

**PROGRAMMES, ACHIEVEMENTS AND CHALLENGES OF THE NIGERIAN COPYRIGHT COMMISSION (NCC),**

 **JANUARY-DECEMBER, 2015**

**BEING THE 2015 ANNUAL REPORT OF THE NIGERIAN COPYRIGHT COMMISSION**

**JANUARY, 2016**

## 1. INTRODUCTION

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

**1.1 VISION**

To harness the potentials of creativity for national development

**1.2 MISSION STATEMENT**

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

**2. ACHIEVEMENTS/ PROGRESS MADE IN YEAR 2015**

The Commission in 2015 planned and executed strategic programmes which resulted in the achievements highlighted hereunder.

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| **S/N** | **STRATEGIC GOAL** | **ACHIEVEMENTS/ PROGRESS MADE** |
| 1. | **Proactive Enforcement Interventions** | 1. Conduct of **one hundred and five (105) anti-piracy surveillances** by the operatives of the Commission in piracy endemic locations across the country.
2. Carrying out of **forty one (41) strategic anti-piracy operations** against book, software, broadcast, cable and audio-visual piracy in different piracy hotbeds across Nigeria, including Alaba International Market, Ajegunle, Oshodi, Mushin, Ikeja, Satellite Town, Ojuelegba and Ijora in Lagos; Abuja Federal Capital Territory and environs; Ariara Market Aba; Onitsha, Awka and environs in Anambra State ; Kano; Kaduna; Bauchi; Jos; Warri and Benin City; Uyo; Calabar; Gboko and Makurdi; Owerri; Enugu and environs and so on.
3. Arrest of **ninety eight** **(98) suspected pirates**
4. Removal of **one million,** **seven hundred and eighty three thousand, nine hundred and fourteen** (**1,783,914) 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 **one billion, six hundred and forty nine million, three hundred and forty three thousand, four hundred and sixty Naira** **(N1,649, 343,460.00)**. **The above sum of N1, 649,343,460.00 which was the total value of pirated materials removed in the course of the anti-piracy operations in year 2015, 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.**
5. Confiscation of a total of **five (5) shipping containers** of pirated books, musical and film works of local and foreign titles at different seaports in Lagos in collaboration with the Nigerian Customs Service.
6. Public burning of **ten million and fifty thousand (10,050,000) units of pirated copyright works and contrivances seized from Kaduna State, Kano State and environs with an estimated market value of one billion, four hundred million Naira (N1,400,000,000.00)** in Kaduna on 22nd October, 2015.
7. Periodic compliance checks on approved Collective Management Organizations ﴾CMOs﴿ and optical disc manufacturing plants to guard against possible abuse.
8. Attraction of more investments in the copyright-based industries, business expansion, job creation and poverty reduction as a result of the good enforcement regime. For instance, in 2015, the approved collecting society for music and sound recording in Nigeria, Copyright Society of Nigeria (COSON), distributed a total sum of one hundred and forty million Naira (N140, 000,000.00), to copyright owners as royalty collected for the use of the music and sound recordings of its members.
9. Enhanced protection for foreign copyright works and other legitimate copyright-based investments of foreign companies in Nigeria.
10. Favourable perception of Nigeria in the global fight against copyright piracy. More specifically, Nigeria in 2015, 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.
11. The Commission within the period under review, received commendations on its efforts at combating piracy from foreign and indigenous stakeholders in the book industry. **More specifically, members of the International Book Publishers Association, the British Council, and the Nigeria Publishers Association (NPA) commended the Commission during a meeting of International Publishers and the British Council organized by Elsevier, an international Publishing Company based in Amsterdam, held in Lagos on May 13, 2015. During the event, a representative of a publishing outfit in the United Kingdom, whose titles include “French Dictionary”, commended the Commission for handing over about 4,000 pirated copies of books to them, which were part of the content of a container intercepted by the Commission in 2014.**
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| 2. | **Enhanced Prosecutorial Activities** | 1. Secured one (1) criminal conviction against a copyright pirate at the Federal High Court Jurisdiction, Awka, Anambra State.
2. Research, compilation and publication of resource materials as practice notes such as “Selected Copyright Cases of the Nigerian Copyright Commission, Revised Edition”.
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| 2 | **Strengthening Human and Institutional Capacity for Better Service Delivery** | 1. Deepened the investigative skills of **thirteen** (**13) 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.
2. Organized town hall meetings in Abuja, Enugu and Lagos Offices of the Commission which enabled the Director General to interact with staff of the Commission from Grade levels 04 – 14 in order to share ideas on how the Commission could better achieve its mandate.
3. Sixty five (65) staff of the Commission benefitted from an in-house training programme on Attitudinal Change for staff on grade levels (GL08-14), held at Abuja.
4. Upscaled the copyright and related rights knowledge of **two (2) staff** of the Commission by facilitating their participation at a-two-week Advanced Level Training on Copyright and Related Rights organized by the British Copyright Council (BCC) in collaboration with the World Intellectual Property Organisation (WIPO) and the United Kingdom Intellectual Property Office (UKIPO), held in London within the year under review.
5. Boosted the skills and knowledge of **two (2) staff** of the Commission in the areas of investigative, intelligence gathering, enforcement and copyright in the digital era by facilitating their participation at the United States Patent and Trademarks Office (USPTO) training program on Copyright, Culture, Arts and Science in Digital Age, held at the Global Intellectual Property Academy, USPTO Headquarters Campus, Alexandra, Virginia from 14 – 18 September, 2015.
6. The Commission has continued to explore new opportunities to build its human and institutional capacities. Consequently, the Commission prepared and submitted proposals to Ford Foundation.
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| 4 | **Enhancing Copyright Awareness and Education** | 1. Publication and dissemination of information materials such as, “*Selected Copyright Cases of the Nigerian Copyright Commission Revised Edition” and “ Report of the Enforcement , Prosecutorial and other Activities of the Nigeria Copyright Commission (2011 to 2015)”*, as well as pamphlets and leaflets on copyright.
2. As part of its engagement with Tertiary institutions nationwide, the Commission delivered a lecture on Copyright at the Faculty of Law, Ahmadu Bello University Zaria.
3. The Commission established partnership between its Public Affairs Department and the Public Affairs Department of the United States Embassy with a view to cooperating on the Schools Copyright Sensitization Project of the Commission.
4. There was sustained media coverage of the Commission’s activities in the print and electronic media. Several press releases on anti-piracy activities were issued and the Commission was featured in “Good Morning Nigeria” a network programme of NTA, BBC media talk show, and Interview with Abraham Achirga of Thomas Reuters in the period under review. Also, the Commission developed and aired anti-piracy jingles at the FRCN Enugu Station.

 1. Letters were distributed to various schools with a view to organizing copyright sensitization workshops in designated secondary schools nationwide.
2. Effective content management of the Commission’s website, www.copyright.gov.ng
3. The Commission disseminated anti-piracy information through outdoor media by erecting a billboard with anti-piracy message in strategic location in Uyo, Akwa Ibom State.
4. Production and publication of news events and pictorial on corporate and operational activities of the Commission at Departmental, Unit and Zonal levels, through NCC Noticeboard and website, www.copyright.gov.ng
5. The Commission continues to update stakeholders via personal and official emails on its programmes and activities with a view to enhancing stakeholders’ support and buy-in.
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| 5 | **Promoting Effective Rights Management and Regulation of Copyright Industries** | 1. 1,127 Copyright Registration certificate issued within the period under review, on the e-Copyright Notification/ Registration system which was launched last year.
2. Collective Management Organizations (CMO) Desk of the Commission held a meeting with officials of Copyright Society of Nigeria (COSON) in respect of implementation of 30% cost of administration for CMOs.
3. Renewed operating license of COSON as a Collective Management Organization.
4. Renewed operating license of 10 Replicating plants for the year 2015.
5. The Commission held a workshop on Collective Management of Copyright and related rights in Lagos, September 30, 2015, in collaboration with the Norwegian Copyright Development Association (NORCODE), World Intellectual Property Organization (WIPO) and International Federation of Reproduction Rights Organization (IFRRO). Stakeholders at the event were kept abreast of current developments in collective management and how Nigeria’s collective management organizations could take advantage of these developments to enhance their economic prosperity.
6. Oversight activities were carried out on some Optical Disc Replicating Plant to ensure their operations conform with the extant regulation on replicating plants.
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| 6 | **Improving the Policy and Legislative Framework for Copyright Protection** | 1. The Commission commenced preparatory activities for undertaking a Study on the Contributions of Copyright-based Industries to the Nigerian economy. The governance structure for the project was put in place.
2. 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).
3. The Commission has continued to maintain a desk at the One-Stop-Investment-Centre of the Nigerian Investment Promotion Council (NIPC)
4. The Commission organized a -five -day lock-in retreat aimed at drafting of the Copyright Reform Bill, under its ongoing Reform of the Copyright System
5. The Commission constituted a-seven-man Technical Working Group (TWG) to review and update the current Nigerian Copyright Act and come up with a new draft Copyright Bill that would effectively capture the international treaty obligations of Nigeria, provide for stiffer penalty for copyright infringement and provide for copyright protection in online environment. The Draft Copyright Bill has been prepared and is undergoing public scrutiny and comments.
6. As part of the efforts to fulfil 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 to ratify some strategic copyright treaty Nigeria is signatory to, namely:
7. WIPO Copyright Treaty;
8. WIPO Performances and Phonogram Treaty;
9. Beijing Treaty on Audio-visual Performances; and
10. Marrakesh Treaty on exceptions and limitations for the blind, visually impaired or otherwise print disabled persons
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| 7 | **Deepening Strategic Engagement with Stakeholders** | 1. The Commission (NCC) and other stakeholders in the copyright industry came together to discuss ways of strengthening the nation’s digital and copyright system within the period under review. This was at a two-day Google supported workshop titled “Nigeria’s Digital Economy and the Copyright System: Challenges and opportunities for strategic growth in the Information Age” held in Lagos.
2. The Director-General of the Nigerian Copyright Commission (NCC) represented His Excellency, Prof. Yemi Osinbajo, SAN, Vice-President, Federal Republic of Nigeria at the 2015 Copyright Society of Nigeria (COSON) Lecture, held on Monday 2nd November, 2015 at Lagos Sheraton Hotel. The highpoints of the event was the delivery of the keynote address by His Excellency, the Vice-President, represented by the Director General of NCC and the decoration of Prince Bola Ajibola with the Copyright Grand Medal , for his role in facilitating the promulgation of the current Copyright Act into law as the then Attorney-General of the Federation. Prince Bola Ajibola is also, former judge of the World Court at the Hague, former High Commissioner to the United Kingdom and former President of the Nigerian Bar Association.
3. The Commission participated actively in events organized by the National Office for Technology Acquisition and Promotion (NOTAP), to commemorate the African Day for Technology and Intellectual Property.
4. The Commission held a meeting with the executive members of the Music Label Owners and Recording Industries Association of Nigeria (MORAN) on 14th October, 2015 at Abuja. The focal point of the meeting was to strategize on strengthening of collaborative anti-piracy efforts with a view to combating music piracy in the eastern part of the country.
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| 8 | **Expanding International Cooperation** | 1. The Commission signed a Memorandum of Understanding (MOU) with a Canadian based international organization, Council of Entrepreneurs for Africa (COEFA) on capacity building. The central purpose of the MOU was to boost the monitoring, enforcement, investigation and prosecution skills of the Commission’s staff members.
2. The Commission maintained its relationship with the UK-IPO with exchange of correspondence, particularly in the area of challenges faced by the Commission on enforcement and prosecution. The Commission also 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 ongoing norm setting and binding international instrument in the area of copyright and related rights.
3. The Commission has 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).
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| 9 | **Enhancing the funding profile of the Commission** | 1. All books of account for the financial year 2015 were successfully closed.
2. Verification, Documentation and update of the Assets register and submission of updated Assets Register as at 31st December, 2015, was accomplished within the year.
3. Audit report on verification of revenue and expenditure prepared and submitted, as required, within the period under review.
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**4. CHALLENGES**

The challenges of the Nigerian Copyright Commission are as follows:

**Human Challenges**

• Alignment of individual goals with institutional goals

**Economic**

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

**Fiscal**

• Increasing cost of overhead, operations, etc.

• Serious gap between requirements and appropriation

• Low level of funding

• Developing and funding awareness programmes for different segment of the Nigerian populace to make them understand the negative effect of piracy on our economy

**Infrastructure**

• Acquisition of standalone Head Office building

• Communication facilities

**Enforcement**

• Inadequate information and intelligence to support enforcement

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

**Prosecution**

• Non co-operation of complainants

• Dearth of interpreters in cases involving non-English speaking foreign nationals

• Rising cost of prosecution

• Slow pace of the judicial system

• Limited knowledge of copyright by judicial officers

**5. CONCLUSION**

The execution of the Commission’s statutory mandate 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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