

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

**JANUARY-DECEMBER, 2017**

**BEING THE 2017 ANNUAL REPORT OF THE NIGERIAN COPYRIGHT COMMISSION**

**FEBRUARY, 2018**

**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 2017**

The Commission in 2017 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 **ninety** **nine** **(99) anti-piracy surveillances** by the operatives of the Commission in piracy endemic locations across the country. 2. Carrying out of **forty six (46) strategic anti-piracy operations** against book, software, broadcast, cable and audio-visual piracy in different piracy hotbeds across Nigeria, including Awodi-Ora Apapa, Tedi Village Amuwo-Odofin, Ojuelegba, Ajegunle, Oshodi, Ikeja, Satellite Town, and Yaba in Lagos; Abuja Municipal, Gwagwalada, Kuje, and Bwari Area Councils in Federal Capital Territory Abuja; Ariara Market, Hospital Road, St. Michael Road in Aba, Abia State; Abeokuta, Ogun State; Onitsha, Awka and environs in Anambra State ; Enugu; Gombe; Kano; Kaduna South and Kaduna North, Kaduna State; Ibadan; Bauchi; Lokoja; Jos; Warri, Ughehli, Delta State; Benin City, Sabo Iyakpi, Sapele, Edo State ; Calabar; Yenagoa and environs, Bayelsa State; PortHarcourt and environs, Rivers State; Makurdi; Owerri, Imo State; and so on. 3. Arrest of **seventy** **(70) suspected pirates** 4. Removal of **one million,** **three hundred and one thousand, six hundred and forty nine** (**1,301,649) quantities of assorted pirated copyright** **works**, comprising of literary works, software, DVDs, CDs, MP3 and contrivances from different piracy outlets across Nigeria with estimated market value of **one billion, two hundred and sixty million, six hundred and forty six thousand, six hundred Naira** **(N1,260,646,600.00)**. **The above sum of N1, 260,646,600.00 which was the total value of pirated materials removed in the course of the anti-piracy operations in the year 2017, represents income that would have been lost by Government and copyright owners across the country to people engaged in the criminal act of copyright piracy.** 5. Confiscation of a total of **three (3) shipping containers** of pirated books, CDs, VCs, and DVDs of local and foreign titles at AP Moller Terminal Apapa and Tin Can Island ports in Lagos in collaboration with the Nigerian Customs Service. 6. Periodic compliance checks on approved Collective Management Organizations (CMOs) and optical disc manufacturing plants to guard against possible abuse, thereby enabling CMOs to contribute to the job creation and poverty reduction efforts of Government. For instance, in 2017, one of the approved collecting society for music and sound recording in Nigeria, Copyright Society of Nigeria (COSON), distributed a total sum of two hundred and six million Naira (N206, 000,000.00), to copyright owners as royalty collected for the use of the music and sound recordings of its members. 7. Enhanced protection for foreign copyright works and other legitimate copyright-based investments of foreign companies in Nigeria. 8. Favourable perception of Nigeria in the global fight against copyright piracy. **More specifically, Nigeria in 2017 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**. |
| 2. | **Enhanced Prosecutorial Activities** | 1. **The Commission secured 2 (two) convictions** against film and book piracy at the Federal High Court Lagos. In the case of the film piracy, the accused person was convicted on two counts and sentenced to one year imprisonment for each of the counts. Regarding the book piracy, the accused person was sentenced to one year imprisonment with the option of fine. 2. Instituted five (5) fresh cases, filed new charges and court processes against copyright infringers in different Federal High Court Jurisdiction across the country. 3. The Commission successfully procured seals for its prosecutors to enhance filing and proper representation in Courts 4. The Commission effectively prosecuted several criminal cases against individuals and organisations, notably, Tony Onwujikwe (Alaba King of pirate), MTN Nigeria, International Pageant, Ayika and so on. |
| 3. | **Improving the Policy and Legislative Framework for Copyright Protection** | 1. **RATIFICATION OF COPYRIGHT TREATIES**   As a result of the efforts of the Commission to ensure the ratification of four (4) international copyright treaties Nigeria is signatory, the Federal Executive Council in July 2017, approved the ratification. These copyright treaties are the WIPO Copyright Treaty; WIPO Performances and Phonogram Treaty; Beijing Treaty on Audio-visual Performances; and Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled. Through effective coordination by the Commission with the Federal Ministry of Justice and Ministry of Foreign Affairs, the instruments for the ratification of the four treaties were prepared and signed on August 24, 2017, by Mr. President, Muhammadu Buhari. Nigeria **on Wednesday October 4**, 2017 deposited the Instruments of Ratification at the 57th meeting of the Assembly of member states of the World Intellectual Property Organization (WIPO) held at WIPO headquarters, Geneva, Switzerland from 2nd to 11th October, 2017. The Instruments of Ratification were handed over to the Director General of WIPO, Dr. Francis Gurry by His Excellency, Ambassador Audu A. Kadiri, the Permanent Representative at the Permanent Mission of Nigeria to the United Nations Office and Other International Organizations in Geneva, assisted by the Director General of the Nigerian Copyright Commission, Mr. Afam Ezekude. While the Ratification of the treaties affirms Nigeria’s acceptance to faithfully carry out obligations under the treaties, the development is also a signal that Nigeria is about to witness a new era in its copyright protection policy and legislation that would enable our creative talents to effectively benefit from the international copyright system. The deposit of the instruments was a giant stride by Nigeria, through the Commission in international copyright regime as no country had in recent times deposited four instruments of ratification at WIPO on the same day.   1. **FINALIZATION OF THE COPYRIGHT REFORM PROCESS**   The Commission maintained effective liaison with its parent Ministry, the Federal Ministry of Justice for the purpose of finalizing the draft Copyright Bill, which effectively captures all the international copyright treaty obligations of Nigeria and copyright protection in the digital era as well as provides for stiffer penalty for copyright infringement. Following the presentation of memo by the Honourable Attorney-General of the Federation and Minister of Justice, Alhaji Abubakar Malami, the Federal Executive Council (FEC) at its meeting of 20 and 21 December, 2017 approved the repealing of the current Copyright Act and enactment of the new Copyright Bill 2017. Also, the FEC constituted a Committee to review the penal provisions of the Copyright Bill 2017 with a view to ensuring that they are sufficient to curb piracy of creative works. With this development, the Copyright Bill will soon be transmitted to the National Assembly as an Executive Bill for legislation and passage into law.   1. The Commission actively participated 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). 2. Throughout the year, the Commission maintained a desk at the One-Stop-Investment-Centre domiciled at the Nigerian Investment Promotion Council (NIPC) Abuja. |
| 4. | **Strengthening Human and Institutional Capacity for Better Service Delivery** | 1. Deepened the investigative skills of **sixteen** (**16) 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 a town hall to enable the Director General interact with staff at the Port Harcourt office of the Commission on ways to improve on the delivery of the Commission’s mandate in Rivers State and environs. 3. Upscaled the copyright and related rights knowledge of **fifteen (32) staff** of the Commission by facilitating their participation at the various online intellectual property courses organized by the World Intellectual Property Organization (WIPO). 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. The Commission updated its staff members training needs for 2017 6. Enhanced the knowledge and skills **of 98 staff members of the Commission** on combating broadcast piracy , by their participation in an intensive capacity building training programme on broadcast piracy organized by Multi-Choice Nigeria (operator of DSTV) in collaboration with the Commission. The staff members that benefitted from the training were drawn from the Abuja, Kano, Kaduna, Onitsha, Owerri, Port Harcourt and Uyo offices of the Commission. 7. Upscaled the skills of **8 staff members** on surveillance, information gathering and extracting statement from suspects by their participation in an in-house training on the subjects organized in Port Harcourt, Rivers State, within the period under review. 8. The Commission organized a one day in-house training on Copyright Regulatory guidelines for its operating and compliance Officers. **Twenty (20)** officers benefited from the training. 9. The Commission conducted the year 2017 promotion exercise for its deserving staff members. |
| 5. | **Enhancing Copyright Awareness and Education** | 1. Issuance and Publicity of Press Releases 2. Sustained media coverage of the Commission’s activities in the print and electronic media. 3. Effective content management of Commission’s website, www.copyright.gov.ng with up-to-date corporate and operational information for the public and stakeholders 4. In the year under review, a Copyright Sensitization Workshop was held at the University of Abuja and copyright enlightenment interaction was held with the Fellowship of Gospel Music Ministry of Nigeria (FOGMMON), an association of up and coming gospel musicians and artistes. **A total of nine hundred (900) students, academic and non-academic staff as well as artistes/musicians,** were sensitized on the rudiments of copyright at the two events. 5. The Commission issued Press Releases on the Commission’s Enforcement efforts and other activities. 6. Enhanced the copyright awareness of **one hundred and fifty (150)** staff members of the Commission and critical stakeholders through a sensitization meeting held in Port Harcourt, Rivers State in the period under review. 7. Celebration of the 2017 editions of the World Intellectual Property Day under the theme, “Innovation - Improving Lives” as well as the World Book and Copyright Day through issuance of goodwill messages and production and dissemination of posters. The goodwill messages and the posters highlighted the role of IP in promoting innovations which in turn improves lives and the contribution of book and copyright to the development of nations. 8. The Commission updated its corporate and operational information. 9. The Commission through its training arm, the Nigeria Copyright Institute, delivered a lecture on copyright and related rights at the Faculty of Law, Ahmadu Bello University, Zaria. About **five hundred (500)** staff and students of the university were in attendance. 10. Preparation has reached an advanced stage for the publication of the Nigeria Copyright Institute’s Training Brochure. 11. The Commission updated stakeholders on its programmes and activities via personal and official emails with a view to enhancing stakeholders’ awareness and support. 12. Compilation of the Director-General’s speeches from 2011 to date was carried out within the year under review. |
| 6. | **Promoting Effective Rights Management and Regulation of Copyright Industries** | 1. The Commission issued **one thousand two hundred and thirty seven (1,237)** Copyright Registration Certificates in the period under review.      1. The Commission continued to maintain effective supervision of Optical Disc Plants and Collective Management Organizations (CMOs). To this end, 9 (nine) Optical Disc Plant’s operating licenses for 2017 were renewed in the period under review. 2. The desk licensed Musical Copyright Society of Nigeria to operate as a Collective Management Organization for musical works and sound recordings in April, 2017. 3. An application from Audio Visual Rights Society of Nigeria on the proposed tariff for HOPESEA HOTEL members was also processed in the period under review. 4. The Commission participated at a 2 day meeting of National Working Group on Copyright Licensing in Tertiary Institutions organized by Reproduction Rights Organisation of Nigeria (REPRONIG) in collaboration with the Association of Vice-Chancellors of Nigerian Universities aimed at paving the way for REPRONIG, a collecting society for literary works, to commence the collection of loyalties for use of literary works in Nigerian universities. 5. The ODR desk processed an application from Premier Music limited authorizing Transerve Disc technologies to replicate CD’s with use of Nira Stampers. 6. The Commission received and treated an application from Folorunsho Jemisemia & Co on a petition against a COSON representative covering Kaduna State. 7. The Commission renewed REPRONIG’s License of Operation in the month of November, 2017. 8. The ODR desk in the month of November, 2017 wrote reminder letters to all replicating plants urging them to update their renewal status for easy operations in the year 2018. |
| 7. | **Deepening Strategic Engagement with Stakeholders** | 1. The Commission continued to engage with its strategic stakeholders in Nigeria in order to enthrone a sound copyright system that maximally benefits owners of copyright works and boosts investors’ confidence in the copyright-based industry in Nigeria. Some of these stakeholders are the Nigeria Police Force (NPF), Nigerian Customs Service (NPF), Nigerian Security and Civil Defense Corps (NSCDC), Google Nigeria, MultiChoice Nigeria, Nigerian Publishers Association, Audio-visual Rights Society of Nigeria (AVRS), Copyright Society of Nigeria (COSON) , Music Label Owners and Recording Industries Association of Nigeria (MORAN); and so on. 2. The Commission received the Executive Secretary, Nigerian Investment Promotion Council (NIPC), Mrs. Yewande Sadiku, who paid a courtesy visit to the Commission on 14th March, 2017. The two government agencies explored ways to strengthen their inter-agency collaboration to improve copyright administration and boost investors’ confidence in the copyright-based industries in Nigeria. 3. The Commission received at its Abuja Head Office, Mr. Olav Stokkmo, Chief Executive and Secretary General of International Federation of Reproduction Rights Organization (IFRRO), based in Brussels, Belgium and a delegation from the Reproduction Rights Society of Nigeria (REPRONIG) on 20th April, 2017. The visit afforded the opportunity to discuss how to revamp REPRONIG, which for a long time has not been effective in collecting royalty for use of literary works in Nigeria. 4. As part of its efforts to deepen strategic engagement with stakeholders with a view to stemming the movement of pirated copyright works in and outside the country from the land, air, and sea borders, the Management of the Nigerian Copyright Commission(NCC) visited the Comptroller-General of Nigeria Customs Service(NCS) on 15th June, 2017. The meeting, which was very fruitful, agreed to strengthen the existing inter-agency synergy between the two government agencies in order to, more than ever before, frontally confront copyright piracy in our various border areas. The collaboration between the two agencies received a major boost on 28th November, 2017 when the Director-General of NCC, Mr Afam Ezekude and the Comptroller-General of NCS, Col. Hameed Ibrahim Ali (Rtd.) signed a Memorandum of Understanding (MOU) to formalize the interagency collaboration. By signing the MOU, the two agencies has agreed to collaborate in order to check importation and trans-border movement of pirated copyright products in line with the nation’s anti-piracy and copyright enforcement programme; and to reduce the copyright piracy rate in Nigeria through joint activities, including but not limited to Joint Inspection of containers carrying goods, with a view to determining whether or not such goods are copyright infringing materials.      1. The Commission is effectively liaising with relevant government agencies and the World Intellectual Property Organisation (WIPO) to actualize the proposed training of Nigerian judges on intellectual property under the auspices of the WIPO Project on Development and Intellectual Property Rights Education and Professional Training with Judicial Training Institutions in Developing and Least Developing Countries. To this end, the Commission and the National Judicial Institute received a two-man-team from WIPO on a needs assessment mission to Nigeria, namely; Mr. Mohamed Abderraouf Bdioui (WIPO Academy Development Sector) and Ms. Joyce Banya (WIPO African Bureau) .The needs Assessment Mission took place from 30th to 31st May, 2017 and the WIPO team held beneficial meetings with representatives of agencies with mandates relevant to the project implementation such as: Nigerian Copyright Commission; National Judicial Institute; Federal High Court; National Office for Technology Acquisition and Promotion; and Trademarks, Patents and Designs Registry, Federal Ministry of Trade and Investment. It would be recalled that Nigeria was recently selected as one of the four pilot countries from the least developed and developing countries to benefit from this novel WIPO Project as a result of the Commission’s remarkable enforcement and prosecutorial efforts in recent times. 2. The Commission held a strategic meeting with representatives of private sector stakeholders’ association in the copyright-based industries; the Honourable Minister of Information, Culture & Tourism; National Film and Video Censors Board; and National Commission for Museums and Monuments on 24th July, 2017. The meeting was geared towards building a national collaboration to combat copyright piracy in Nigeria. The participants at the meeting thereafter paid a courtesy visit on the Inspector-General of Police with a view to eliciting the buy-in of the police in the fight against copyright piracy. 3. The Commission had a strategic engagement with Aurelia Schultz, a senior official of the United States Copyright Office on 11th July, 2017. The officer was at the Commission on a working visit to share experience on global best practices on the effective administration of copyright and related rights. |
| 8. | **Expanding International Cooperation** | 1. The Commission participated actively in the Nigeria – United States Bi-National Commission (BNC) meeting which was held in Abuja, Nigeria, in December, 2017. 2. The Commission actively engaged with the World Intellectual Property Organisation (WIPO), the Switzerland-based UN agency responsible for global administration and promotion of intellectual property, with a view to securing Nigeria’s interest in the ongoing norm setting and binding international instrument in the area of copyright and related rights. In addition, the Commission is collaborating with WIPO to train members of the Nigeria judiciary on intellectual property, which will soon commence. 3. The Commission joined other members of the Inter-Ministerial/Inter-Agency Committee for the Actualization of the External Office of the World Intellectual Property Organisation (WIPO) in Nigeria to welcome a-two-man delegation from WIPO who were in Nigeria to assess the office accommodation offered by Nigeria for the establishment of the WIPO’s external office. The two-man-delegation (Mr. Sacha Gacic; Head, Premises Management Service and Mr. Mark Gibb; Head, Safety and Security Coordination Service) both from the Administration and Management Sector of WIPO, held fruitful meetings with the representatives of the Inter-Ministerial/Inter-Agency Committee on 13th and 15th June, 2017 at the Nigerian Export Promotion Commission (NEPC). It will be recalled that the General Assembly of WIPO at its 56th General Assemblies held in Geneva, Switzerland from 3rd to 11th October, 2016, approved the establishment of WIPO External Office in Nigeria. Essentially, the approval was sequel to the robust enforcement and prosecutorial efforts of the Commission; active participation of Nigeria at the World Intellectual Property Organisation (WIPO); and rising profile of Nigeria’s creative industries. WIPO’s network of External Offices forms an integral part of the Organization and is designed to bring WIPO’s services and cooperation closer to Member States, and intellectual property stakeholders 4. In a bid to expand its international cooperation and better position Nigeria to maximally benefit from international IP development opportunities derivable from membership of the World Intellectual Property Organisation, the Commission working in close collaboration with the Ministry of Foreign Affairs facilitated the settlement of over 22 years of Nigeria’s indebtedness to WIPO amounting to 506,802.82 USD. 5. The Commission has continued to follow up on its collaborative proposals with various international organizations such as the World Bank (GEMS). 6. The Commission participated in the 5th World Trade Organization (WTO) Trade policy review meetings and also responded to inquiries from WTO members such as EU on domestication of some copyright treaties. |
| 9. | **Enhancing the funding profile of the Commission** | 1. Audit report on verification of revenue and expenditure prepared and submitted, as required, within the period under review. 2. The Commission has continued to maintain an up-to-date register of its assets and inventory. 3. The Commission commenced documentation and Valuation of its fixed assets for registration in the on-going Assets Tracking and Management Project (ATM) of the Federal Government co-ordinated by the Federal Ministry of Finance. 4. Submission of Promotion Arrears of staff members of the Commission for the period 2013 – 2015 to the Office of the Accountant General of the Federation. 5. The Commission complied with the Office of the Accountant General of the Federation’s 2017 1st quarter Revenue Monitoring Exercise. 6. The Commission ensured absolute compliance with the Office of the Secretary to the Government of the Federation on the requirements of the Fiscal Responsibility Act, 2007. |

**4. CHALLENGES**

The challenges of the Nigerian Copyright Commission are as follows:

**Economic**

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

**Fiscal**

• Low level of funding (inadequate yearly appropriations)

**Infrastructure**

• Inadequate office space at the Federal Secretariat Complex to accommodate staff members

**Enforcement**

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

* Increasing cost of enforcement operations

**Prosecution**

• Non co-operation of complainants

• Rising cost of prosecution

**5. CONCLUSION**

The dominant source of sustainable wealth in the current global knowledge economy for nations, hinges on the quantum of intangible property such as copyright, owned by its citizens. Nigeria has a vibrant and diverse creative talents and the Commission is determined to do everything possible within its power to ensure that the copyright system in Nigeria is positioned to significantly provide good returns on investments and contribute substantially to the growth of our economy.

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