

27th November, 2023



NIGERIAN COPYRIGHT COMMISSION

COPYRIGHT ADVISORY No. 2

Further to Copyright Advisory (No. 1) of 31st October 2023 on the need for users of copyright works to obtain appropriate licences from right owners or their approved Collective Management Organisations (CMOs), the Nigerian Copyright Commission issues this Advisory. The Commission will continue to support approved CMOs to ensure that users comply with their licensing obligations while the CMOs will be held to a high standard of accountability, transparency and good governance, in accordance with the law and global best practices.

Section 88 of the new Copyright Act, 2022 provides for the establishment, operation and regulation of CMOs. A CMO is defined in that section as “an organisation representing copyright owners, which has as its principal objectives the negotiating and granting of licences, collecting and distributing of royalties in respect of copyright works.” According to section 88(4), a person or group of persons, *however described*, shall not perform the duties of a CMO without the approval of the Commission and contravention of that provision is punishable under section 88(5), “in the case of an individual, with a **fine of at least N1,000,000 (One Million Naira) or imprisonment for a term of at least five years or both**; and in the case of a body corporate, with a **fine of at least N5,000,000 (Five Million Naira)**.”

The attention of users of copyright works and the general public is also drawn to section 45 of the Copyright Act which provides:

Any person who aids or procures another person to commit an offence under this Act is guilty of an offence and shall be liable on conviction to the same punishment as prescribed under this Act for the commission of the main offence.

While it is advisable that commercial users of works obtain licences, it is important that they negotiate licences and pay royalties only to **approved CMOs**. For the avoidance of doubt, the approved CMOs in Nigeria for audiovisual works and musical works are Audiovisual Rights Society of Nigeria (AVRS) and Musical Copyright Society Nigeria (MCSN), respectively. To lodge a complaint or for further information, contact the Commission by phone: 0901 900 1400 or by email info@copyright.gov.ng or visit www.copyright.gov.ng.

This serves as a caveat to all concerned.

(Signed)

Director-General