

**THE NIGERIAN COPYRIGHT  
COMMISSION ISSUES COPYRIGHT  
ADVISORY FOR BUSINESSES TO  
OBTAIN COPYRIGHT LICENCES**

# NEWSLETTER



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## THE NIGERIAN COPYRIGHT COMMISSION ISSUES COPYRIGHT ADVISORY FOR BUSINESSES TO OBTAIN COPYRIGHT LICENCES

The Nigerian Copyright Commission ("**NCC**" or "**the Commission**") recently issued a Copyright Advisory ("**the Advisory**") to the general public, particularly; hotels, guest houses, clubs, lounges, bars, restaurants, malls, supermarkets, shops, event centers, gyms, fitness centers, theatres, cinema halls, banking halls, factories, aircrafts, public transportation systems, buses, taxis, television and radio broadcast stations, telecommunication companies, digital services ("**Business entities**" or "**Business owners**") on the need to obtain appropriate licenses or authorization for the use of copyright contents, such as music and audiovisual work, in their operations. The use of copyrighted works in this instance includes the public

performance, communication to the public and making available of the works to the public.

The NCC by the advisory requires business entities to obtain the applicable licenses and appropriate authorization from the relevant Collective Management Organizations ("**CMO**") authorized to collect royalties on behalf of authors, performers, and producers ("**Creatives**") before the broadcasting, performance, and airing of musical and audiovisual works. This requirement under the advisory is strict as the failure to comply with the obtaining of the relevant licenses and appropriate authorization from the CMOs will result in liability against the erring business entity, including but not limited to damages and injunction.

Notably, this Advisory by the NCC is in tandem with one of the major objectives of the Copyright Act 2022 ("**the Act**") which is to protect the rights of creatives to ensure just rewards and recognition for their intellectual efforts. The NCC recognizes the rights of creatives and owners of musical and audiovisual works under the Act to receive equitable remuneration in the form of royalties for the use of their work by business entities and the Role CMOs play in licensing and authorization for the use, broadcasting, and performance of this Copyrighted works. The CMO's role under the Act in the collection of the appropriate and due royalties to creatives is restated by the NCC in the Advisory.

### KEY IMPLICATION OF THE ADVISORY:

#### Mandatory requirement of obtaining appropriate licensing and authorization for use of Copyright Works:

In line with the provisions of the Act on the licensing and authorization before the use of copyright, the Advisory implies that all business entities operating in Nigeria and engaged in the use of copyrighted works are immediately required to obtain

#### Appropriate Sanctions for the use of Music and Audiovisual works without licensing and approval:

Under the Act, the use of music and audiovisual works without licensing and authorization by the copyright owner is viewed as a copyright infringement and may result in either a

criminal or civil liability against such individual or corporate entity. In the same vein, the NCC's Advisory is strict on compliance with the requirement to seek authorization and licensing. Also, infringing business entities will be sanctioned appropriately in line with the provisions of the Act.

### **Synergy between CMOs and NCC in the protection of Copyrights of Creatives:**

The role of the NCC in the administration and enforcement of the provisions of the Copyright Act in Nigeria is crucial and recognized under the Act. The Act also recognizes the role of the CMOs in the effective management of royalties due to creatives and the authorization or licensing of same to business entities. Therefore, through the Advisory, the NCC and CMOs will continue to maintain the synergy needed to effectively protect copyright in Nigeria and further boost the creative industry.

### **Boost return on creative investment:**

A major objective of the Act as noted above is to protect the rights of creatives and to ensure just rewards and recognition for their intellectual efforts, and this can only be achieved through effectively combating copyright infringement that usually leads to loss of revenue. Therefore, proper compliance with the advisory of the Commission will boost the return on investment for both creatives and the federal government of Nigeria, and ultimately position the copyright regime in Nigeria as a viable tool for revenue generation.

### **Protection of the rights of creatives under the Act:**

The ultimate goal of the Advisory is to ensure that the rights of a creative under the Act both morally and economically are upheld and protected, through the collaborative efforts of the NCC and the CMO. Thus, it is pertinent for business entities to in line with the advisory obtain the necessary authorizations and licenses before any copyrighted work is used in their business operations so as not to infringe on the rights of the creatives under the Act.



## **CONCLUSION**

The NCC's advisory emphasizes the mandatory requirement for businesses to obtain licenses and authorizations for the use of copyrighted works, aligning with the Act's objective to protect creatives' rights. The advisory stresses the potential sanctions for non-compliance, highlighting the synergy between CMOs and the NCC in safeguarding copyrights. Adhering to the advisory not

only ensures legal compliance but also boosts returns on creative investment, positioning Nigeria's copyright regime as a vital tool for revenue generation and safeguarding the rights of creatives. It is advised that businesses, especially those within the category mentioned in the Advisory, proceed to obtain the relevant licenses and authorization from CMOs

### **Copyright sensitization to the Public:**

There is a rise in copyright infringement daily in Nigeria, and the NCC through this Advisory has once again sensitized the general public on the importance of obtaining copyright license or authorization before the use of any copyrighted work.

for the use of copyright works in their business operations so as to avoid a disruption of their business by the NCC. The NCC mentioned in the Advisory that its Copyright Officers will be conducting routine checks on premises where music and audiovisual work are exploited to ensure compliance with the Copyright Act.

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