

EXAMINATION OF COPYRIGHT PROTECTION AND ENFORCEMENT IN THE NIGERIAN FILM INDUSTRY

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Abstract

The Nigerian Film Industry (Nollywood) has developed into one of the largest film industries in the world considering its output and cultural influence.¹ Way beyond the cultural relevance of Nollywood, it has also become a pivotal component of Nigeria's creative economy, having contributed significantly to employment creation, foreign currency inflows and national development.² Despite this growth and the possibility of something even greater, Nollywood continues to wrestle with prevalent copyright breaches and infringements, specifically in the form of piracy,³ unauthorised reproduction and digital dissemination of cinematograph films. This article revolves around a comprehensive examination of copyright protection and its enforcement in the Nigerian film industry, within the framework of copyright law in Nigeria. This article thoroughly analyses the copyright act of 2022,⁴ the crucial role of enforcement institutions such as the Nigerian copyright commission, and the contribution of the judiciary as the custodians of the law to ensure copyright protection. This article holds the position that albeit Nigeria has a robust statutory and institutional framework, enforcement remains an uphill task and this is due to structural, technological and socio-economic challenges and it concludes by proposing

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¹ UNESCO, *The African Film Industry: Trends, Challenges and Opportunities* (UNESCO Publishing 2021).

² PricewaterhouseCoopers, 'Africa Entertainment and Media Outlook 2024–2028' (2025).

<<https://www.pwc.co.za/en/assets/pdf/africa-entertainment-media-outlook-2024.pdf>> accessed 7 February 2026.

³Nkem Itanyi, 'The Concept of Piracy in the Film Industry in Nigeria: Taking a Cue from Other Countries' [2022] 13(1) *European Journal of Law and Technology*.

⁴ Copyright Act Of 2022.

legal, institutional, and industry-based reforms aimed at strengthening copyright enforcement in Nollywood.

Keywords: Copyright, Enforcement, Nollywood, Piracy

1.0.INTRODUCTION

The Nigerian Film Industry (Nollywood) occupies a special and unique stance within Nigeria's socio-economic and cultural scenery. From its informal beginnings in the 1900's, Nollywood has evolved into a globally recognized industry, ranking alongside Hollywood and Bollywood in terms of production volume.⁵ According to the National Bureau of Statistics, the arts, entertainment, and recreation sector, which also includes film industry, has consistently contributed billions of Naira to Nigeria's Gross Domestic Product.⁶ Nollywood also provides both direct and indirect employment for Nigerians.

According to the Nigerian Film Corporation and recent industry reports, Nollywood directly employs approximately 1 million people as of 2025, making it one of the country's largest formal and informal employment sectors.⁷ Nollywood has also been a great tool of woman empowerment. It has built great directors,⁸ producers⁹ and actors among others.

Copyright protection is *sin qua non* to the sustainability of this creative ecosystem. By granting exclusive rights to creators and investors, copyright law ensures that creative labour is rewarded, protected and

⁵ Jonathan Haynes, *Nollywood: The Creation of Nigerian Film Genres* (University of Chicago Press 2016)

<<https://www.perlego.com/ereader/1851162>> accessed 7 February 2026.

⁶ Deji Oke, 'Economic Impact of Nollywood on Nigeria's GDP' (11 July 2025) <<https://confirmnollywood.com/economic-impact-of-nollywood-on-nigerias-gdp/>> accessed 10 February 2026.

⁷ Ibid.

⁸ Biodun Stephens, Funke Akindele and Kemi Adetiba.

⁹ Funke Akindele, Bukunmi Adeaga-Ilori and Mo Abudu.

that investments in film production are commercially rewarding.¹⁰ However, despite Nigeria's robust copyright regime and its membership of various international intellectual property treaties, copyright infringement remains rampant within the Nigerian film industry.¹¹ This article examines and considers why copyright infringement remains persistent in Nollywood despite an established legal framework. It analyses the effectiveness of copyright laws, enforcement institutions, and judicial responses, while drawing comparative lessons from other jurisdictions.

2.0. COPYRIGHT AS AN INTEGRAL LEGAL INSTRUMENT IN THE NIGERIAN LEGAL SYSTEM

The major statute governing copyright and its protection in the Nigerian legal system is the Copyright Act of 2022, which repealed the Copyright Act Cap C28 Laws of the Federation of Nigeria 2004. The enactment of the 2022 Act evidences a milestone in Nigeria's intellectual property jurisprudence, especially in response to technological developments and digital exploitation of creative works in Nigeria. Copyright subsists automatically upon the creation of a qualifying work, provided that any such work is original and fixed in a definite medium of expression.¹² Copyright also confers exclusive economic rights on the owner, including the rights to reproduce, distribute, communicate to the public, and adapt the work.¹³ These rights enable copyright owners to control the commercial exploitation of their works and to license such exploitation to third parties.

¹⁰ J.O. Asein, *Nigerian Copyright Law and Practice* (2nd edn, Bookshelf Publishers 2012).

¹¹ Judith Ogochukwu Okenna, 'Piracy and Copyright Protection in Nigeria's Entertainment Industry: Issues and Challenges' (11 December 2025) Record. Of Law <<https://recordoflaw.in/piracy-and-copyright-protection-in-nigerias-entertainment-industry-issues-and-challenges/>> accessed 7 February 2026.

¹² Copyright Act, 2022, ss 2, 6.

¹³ Copyright Act 2022, ss 9–12.

In the case of *Musical Copyright Society (Nig.) Ltd v Adeokin Records*,¹⁴ the Court expounded that copyright constitutes a proprietary right capable of enforcement through civil proceedings or civil litigation. For Nollywood producers, these rights form the economic basis of film financing, distribution agreements, and digital streaming contracts. For the owner of a work to enjoy copyright protection, they only need to ensure the work is original, copyright is not concerned with whether the work is good or whether it has artistic merits. While copyright protects and upholds private interests, it also accommodates public interest considerations and provides the requisite balance for co-existence.

2.1. LEGAL FRAMEWORK FOR COPYRIGHT PROTECTION AND ENFORCEMENT IN NIGERIA

The emergence of copyright protection in Nigeria can be traced to English copyright law, which applied to the colony by virtue of imperial legislation. The Copyright Act of 1911 (UK) was extended to Nigeria and it remained applicable for several decades. Following independence in 1960, Nigeria enacted the Copyright Act 1970, its first indigenous copyright legislation. A major turning point came with the Copyright Act of 1988, which repealed the 1970 Act. Subsequent amendments in 1992, 1999, and 2004 strengthened enforcement, expanded rights, and addressed technological developments, particularly in relation to sound recordings and broadcasts.

Finally, the current act of 2022 was enacted and it is the most recent copyright legislation of the national assembly. Section 2 makes provision for work eligible for copyright protection. They are Literary works, musical works, artistic works, audiovisual works, sound recordings and broadcast.¹⁵ The Copyright Act 2004 did not make

¹⁴ SC/336/2008.

¹⁵ CRA 2022, s2.

provision for audiovisuals to be eligible for copyright, instead, it made provision for cinematograph films to be eligible for copyright.¹⁶

In the Copyright Act 2022, Audiovisuals have replaced cinematograph films. CRA 2022 defines Audiovisuals as “the aggregate of a series of related visual images with or without sound, which is capable of being shown as a moving picture by means of a mechanical, electronic or other device and irrespective of the nature of the material on which the visual images and sound are carried and includes the sound track, but does not include a broadcast.”¹⁷

This definition confers copyright on films no matter how it was made, whether with sound or not, whether long or short, irrespective of the streaming platform be it electronic or not. This allows creators of Nollywood movies who stream their movies in cinemas or online platforms such as Netflix and Prime video. This also ensures that the Act protects even skit makers who post their contents on social media platforms such as Instagram and YouTube.

Section 11 vests exclusive copyright in the owner of an audio-visual work. It provides that having copyright in audiovisual works shall grant the holder of the right exclusive right to reproduce the audiovisual work¹⁸, cause the audiovisual work to be seen and its sound to be heard, broadcast the audiovisual work make the work available to the public by wired or wireless means or authorise anyone to do any of these things among others. The copyright Act provides civil remedies which includes damages, injunctions, account of profits, delivery up of infringing

¹⁶ Copyright Act Cap C28 LFN 2004, s 1(1)(d); cinematograph films were listed instead of audiovisual works.

¹⁷ CRA 2022, s108 (1) (f).

¹⁸ CRA 2022, s11.

copies, as well as the Anton Piller orders.¹⁹ The owner has the right to sue, and the court may order forfeiture, destruction, damages, injunction, or any appropriate relief. Copyright infringement, particularly on a commercial scale, may also constitute a criminal offence under Nigerian law. Criminal enforcement has historically been a central feature of Nigeria's anti-piracy strategy, as it is generally believed that many obey laws solely due to the fear of sanction.

Section 44 of the Copyright Act makes provision for criminal offences for Copyright Infringement. It makes it clear that making, importing, or possessing equipment for infringing copies is an offence with a Penalty of ₦10,000 per copy or 5 years imprisonment, or both. Also, Selling, distributing, or possessing infringing copies for business is an offence with a Penalty of ₦10,000 per copy or 3 years imprisonment, or both. Lack of knowledge is acknowledged as a defence. Furthermore, unauthorized commercial rental, digital, or broadcast infringement attracts fines up to ₦1,000,000 or up to 5 years imprisonment, or both. However, the commission may settle offenses by accepting a payment.

3.0. NOLLYWOOD AS AFRICA'S MOST PROLIFIC FILM INDUSTRY AND GLOBAL EXPORT

Nollywood is widely recognised as one of the most prolific film industries in the world, it has already established itself as the world's second-largest film industry in terms of output, surpassing Hollywood in the number of annual releases. The industry has become a mirror of Nigerian society.²⁰ With prominent services like Netflix and Amazon Prime increasingly acquiring Nollywood films, the industry is gaining global recognition and viewership. This strategic move not only

¹⁹ Copyright Act, 2022, S.41.

²⁰ Sola Akinsanmi, 'How Nollywood Became Africa's Biggest Cultural Export' (November, 2025) TheGuardian <<https://guardian.ng/features/how-nollywood-became-africas-biggest-cultural-export/>> accessed 9 February 2026.

enhances the visibility of Nigerian filmmakers but also fosters collaborations with international talent, enriching the cinematic experience.²¹

The industry's economic value is intrinsically linked to intellectual property rights, which enable monetisation through licensing and distribution. Copyright protection is essential for the economic sustainability of creative industries such as film, music and publishing. These industries contribute billions of dollars to the global economy and employ millions of people. By protecting the rights of creators, copyright ensures that artists, authors and filmmakers receive compensation for their work, which, in turn, motivates further creativity and content production. Without copyright protection, piracy would run rampant, stifling creativity and reducing economic contributions from the creative sector.²²

Copyright protection plays a critical role in attracting foreign investment. Countries with robust and guaranteed copyright protection tend to attract more foreign investors, as investors are more confident that their intellectual property will be protected. Companies are more willing to expand into markets where their innovations and branding efforts are safe from infringement. Hence, the necessity for adequate protection and enforcement of copyright in the Nigerian film industries, it is already a large national heritage and it could be taken to even greater heights with the right foot forward.

²¹ QNC News, 'The Rise of Nollywood: Nigeria's Global Influence in Film' (2025) <<https://www.qncnews.com/the-rise-of-nollywood-nigerias-global-influence-in-film/>>accessed 9 February 2026.

²² Aishwarya Agrawal, 'Economic Importance of Intellectual Property Rights'(September, 2024) LawBhoomi <<https://lawbhoomi.com/economic-importance-of-intellectual-property-rights/>>accessed 9 February 2026.

4.0. HISTORICAL EVOLUTION OF NOLLYWOOD AND COPYRIGHT CONSCIOUSNESS

I did not know that what I have done was an offence. I did it to feed my children and family. I also was doing it to pay school fees for my children. The place I was doing the business was in the open and not hidden, because I never thought it was wrong to do what I have done. I was only giving DSTV programs to my neighbours so that they can help me recharge the smart card. I beg the court to have mercy on me.

These were the words of the accused in the case of Nigerian Copyright Commission v. Emordi Henry Chukwuma,²³ and it captures the extent of copyright awareness in Nigeria, making it apparent that ignorance and lack of consciousness is still very much prevalent.

The emergence of Nollywood in the 1990s was characterised by informal production and distribution structures, with widespread optical disc piracy.²⁴ The Nigerian Copyright Act uses the term ‘Piracy’ but does not define that term. For our purposes, piracy can be defined as the use without permission of copyright-protected works. Piracy relates to the act of violating the rights of the copyright owner by the unauthorised or illegal reproduction of his work, lessening his incentive to create new works. Creators are sometimes hesitant about putting out their work for fear the work will be immediately pirated and their economic rights would be violated. The reproductions prohibited are often perpetrated on a commercial scale.²⁵

²³ 56 NIPJD [FHC. 2013] ABJ/CR/90.

²⁴ Nkem Itanyi, ‘The Concept of Piracy in the Film Industry in Nigeria: Taking a Cue from Other Countries’(2022) EJLT <<https://ejlt.org/index.php/ejlt/article/view/878>> accessed 9 February 2026.

²⁵ Ibid.

Early filmmakers often prioritised speed to market over copyright protection. Over time, increased professionalism, international exposure, and legal awareness have contributed to improved but not sufficient copyright consciousness across the Nigerian film industry. Industry associations and collective management organisations have also played a key role in advocacy and rights administration. Unlike traditional film industries structured around cinemas and studio systems, early Nollywood relied heavily on direct-to-video formats such as VHS, VCDs, and later DVDs, distributed through open markets and informal commercial networks, particularly in Lagos, Onitsha, and Aba.²⁶

This informal mode of production and distribution, although instrumental in Nollywood's speedy expansion, created fertile ground for widespread copyright infringement, especially optical disc piracy.²⁷ During this developmental period, the duplication and unauthorized reproduction of films occurred almost immediately after release, often without any meaningful legal consequences for infringers.²⁸ As a result, early filmmakers frequently prioritized speed to market and volume of output over formal copyright registration, licensing, or enforcement, operating under the pragmatic assumption that piracy was inevitable and largely uncontrollable.

The prevalence of piracy in the 1990s and early 2000s was compounded

²⁶ Moradewun Adejunmobi, 'English and the Audience of an African Popular Culture: The Case of Nigerian Video Film.' *The Case of Nigerian Video Film.* Cultural Critique, no. 50, 2002, pp. 74–103. JSTOR <<https://www.jstor.org/stable/1354689?seq=1>> accessed 9 February 2026.

²⁷ Brian Larkin, *Signal and Noise: Media, Infrastructure, and Urban Culture in Nigeria.* (Duke University Press, 2008. JSTOR) <<https://doi.org/10.2307/j.ctv1220mnp>> accessed 9 Feb. 2026.

²⁸ Asein (n10).

by weak institutional enforcement mechanisms and limited public awareness of copyright law. Although Nigeria had enacted the Copyright Act in 1988,²⁹ enforcement capacity remained severely constrained due to inadequate funding, corruption, and the sheer scale of informal markets.³⁰ During this period majority of the films circulating in Nigerian markets were pirated, resulting in massive revenue losses for producers and distributors and reinforcing a culture of impunity around intellectual property violations.

Within this environment, copyright consciousness among filmmakers was minimal, not necessarily due to ignorance of the law, but rather due to the perceived futility of enforcement. Producers often chose to release films quickly and cheaply in order to recover investments before pirate copies flooded the market, effectively internalizing piracy as a structural feature of the industry rather than an external legal violation.³¹

However, as Nollywood expanded in scale, output, and international visibility, the limitations of this informal and piracy-tolerant model became increasingly apparent. By the mid-2000s, Nollywood had gained recognition as one of the world's most prolific film industries, attracting academic attention, international festival screenings, and diaspora markets.³² This global exposure made Nigerian filmmakers aware of international copyright norms and contractual practices, they

²⁹ Cap C28, Laws of the Federation of Nigeria 2004).

³⁰Asein (n10).

³¹ Jonathan Haynes, *Nollywood: The Creation of Nigerian Film Genres* (The University of Chicago Press, 2016).

• ³²Alessandro Jedlowski, 'From Nollywood to Nollywood: The Cosmopolitan Aura of the New Nigerian Cinema.' *Global Nollywood: Transnational Dimensions of an African Video Film Industry*, pp.25-45 (Indiana University Press, 2013) <https://www.researchgate.net/publication/288493402_From_Nollywood_to_Nollywood_Processes_of_transnationalization_in_the_Nigerian_video_film_industry> accessed 10 February 2026.

also became aware of the economic value of intellectual property rights in jurisdictions or countries with effective enforcement mechanisms.³³

The gradual professionalisation of the industry marked a significant turning point in the evolution of copyright consciousness. The emergence of structured production companies, formal financing arrangements, and cinema-based distribution models, particularly with the rise of multiplexes from the late 2000s, created stronger incentives for rights protection and contractual clarity. As production budgets increased and revenue streams diversified through theatrical releases, television licensing, and later digital streaming platforms, the economic cost of piracy became more pronounced and less tolerable.

Industry associations and collective bodies played a central role in this shift toward greater copyright awareness. Organisations such as the Association of Movie Producers (AMP), Directors Guild of Nigeria (DGN), Actors Guild of Nigeria (AGN), and approved collective management organisations began advocating and fighting for stronger legal protection, educating members on copyright ownership, licensing, and enforcement, and engaging with regulatory authorities on policy reform.

These bodies contributed to a growing recognition that copyright was not merely a legal abstraction, but a vital economic asset essential to the sustainability of the industry. They became aware of its possibility to greatly impact the economy of the country. Institutionally, the Nigerian Copyright Commission intensified anti-piracy operations, including raids on duplication plants, seizures of infringing materials, and

³³ Ruth Okediji, *Copyright Law in an Age of Limitations and Exceptions* (Cambridge University Press, 2017).

prosecutions under the Copyright Act; this development indicated an increased governmental commitment to enforcement.³⁴

Despite these advancements, copyright enforcement in Nollywood remains imperfect. Structural challenges such as judicial delays, limited technological capacity for monitoring online infringement, and uneven public understanding of intellectual property law continue to undermine full compliance.³⁵ The contrast between Nollywood's early years and its contemporary legal posture reveals a clear trajectory toward enhanced copyright consciousness driven by professionalisation, global integration, and institutional advocacy.

The Nigerian film industry's gradual shift from informal, piracy-ridden distribution networks to more structured and legally aware production systems underscore the central role of copyright protection in sustaining creative industries within developing economies, yet this article argues that Nigeria has not attained the requisite stage where it should be, compared to other jurisdictions.

5.0. ENFORCEMENT ARCHITECTURE: INSTITUTIONS AND PRACTICAL REALITIES

The Nigerian Copyright Commission (NCC) constitutes the recognised spine of copyright administration and enforcement in Nigeria. The commission was established under the Copyright Act and under the act, the Commission is vested with robust wide-ranging regulatory, supervisory, investigative, and prosecutorial powers fashioned to protect copyright owners and promote respect for intellectual property rights. Pursuant to copyright act, the Nigerian Copyright Commission is

³⁴ Asein (n10).

³⁵ Ruth Okediji, 'Traditional Knowledge and the Public Domain' (2018) CIGI Paper No. 176 <<https://www.cigionline.org/publications/traditional-knowledge-and-public-domain/>> accessed 10 February 2026.

empowered to regulate all matters relating to copyright, monitor the exploitation of protected works, approve and supervise collective management organisations, carry out anti-piracy operations, seize infringing materials, and prosecute offenders before the courts.³⁶

Within the Nollywood, the Nigerian Copyright Commission has historically served as the primary enforcement agency combating piracy, particularly during the period dominated by optical disc reproduction and physical distribution of films. During this era, the Commission routinely and popularly conducted raids on markets such as Alaba International Market in Lagos and Onitsha Main Market, confiscating pirated DVDs and VCDs and initiating criminal prosecutions against offenders. These enforcement activities positioned the Nigerian Copyright Commission as the frontline defender of Nollywood's economic interests against mass-scale unauthorised reproduction and distribution.

The statutory authority of the NCC has received unequivocal judicial endorsement at the highest level. In *Copyright Commission v Musical Copyright Society (Nig.) Ltd*³⁷, the Court of Appeal affirmed and emphasized the Commission's regulatory and supervisory powers over copyright administration in Nigeria and also recognised it as the primary institution responsible for implementing copyright law and acting in the public interest to protect creative works. The Court further emphasised that the NCC's powers extend beyond mere advisory functions and include binding regulatory oversight over collective management and enforcement processes. The judicial validation of the powers, functions and duties of the Nigerian copyright commission firmly entrenches the Commission's legitimacy and reinforces its central role in copyright governance and further strengthens its legitimacy.

³⁶ Copyright Act 2022, ss 85–88.

³⁷ (2022-06) Legalpedia 18791 (CA).

Despite this strong statutory and judicial backing, the practical impact of the NCC's enforcement activities within Nollywood remains limited. Although the Commission continues to conduct raids, seize infringing materials, and prosecute offenders, these efforts have not resulted in a sustained reduction in piracy levels. Enforcement actions are often sporadic, reactive rather than strategic, and heavily concentrated in major urban commercial hubs, leaving vast informal distribution networks and, more critically, digital platforms largely unregulated. Consequently, copyright infringement persists not as an exceptional occurrence but as a systemic feature of the Nigerian film industry. It has now become a customary or habitual practice.

One of the most significant shortcomings in Nigeria's copyright enforcement regime lies in the judicial treatment of infringement cases. Although copyright infringement is expressly criminalised under Nigerian law, judicial responses have frequently been characterised by excessive leniency, excessive sympathy towards offenders, and a reluctance to impose penalties that reflects the seriousness of the offence and its economic consequences. This judicial posture is clearly illustrated in *Nigerian Copyright Commission v Emordi Henry Chukwuma*.³⁸ In that case, the accused was charged with broadcast piracy for unlawfully retransmitting DSTV programmes to members of the public without authorisation. The accused pleaded guilty and explained that he had engaged in the conduct merely as a means of survival, stressing that he acted openly and without knowledge that his actions constituted a criminal offence. In his allocutus, the accused appealed to the court's compassion, stating his responsibility to feed his family and pay school fees as justifications for his actions. In delivering judgment. The court emphasised the socio-economic circumstances of

³⁸ (n25).

the accused, noting that he was a pensioner whose entitlements had allegedly remained unpaid for several years. The honourable Court further observed that the accused appeared genuinely unaware that his actions were unlawful and commended him for not resorting to more serious crimes such as armed robbery or internet fraud. On this basis, the Court imposed a fine of only ₦10,000 in lieu of imprisonment.

While the humanitarian reasoning underpinning this decision is understandable as well as reasonable, its broader implications for copyright enforcement are indeed disturbing. By framing copyright infringement primarily as a poverty-induced survival strategy, the Court effectively individualised a systemic economic crime that causes significant losses to rights holders, investors, and the national creative economy. It is humbly opined that such judicial reasoning and decisions risks normalising piracy as a socially excusable offence, thereby undermining the deterrent function of criminal sanctions.³⁹

Similar reasoning has been replicated in several other copyright prosecutions, entrenching a pattern of minimal deterrence and reinforcing the perception that copyright offences attract little real consequence. The ineffectiveness of criminal enforcement is further compounded by the inadequacy of statutory penalties and their application by the courts. Under earlier copyright legislation, offenders were liable to fines not exceeding ₦1,000 for each infringing copy, even when applied cumulatively⁴⁰. Such penalties were grossly disproportionate to the commercial value of pirated works and the profits generated from infringement.

³⁹ Administration of Criminal Justice Act, 2015, s401[2].

⁴⁰ Copyright Act, s. 20(1)(a).

In *Nigerian Copyright Commission v Joseph Daomi*⁴¹, the accused was convicted for illegal distribution of a broadcast signal and sentenced to fourteen days' imprisonment or a fine of ₦20,000, which he chose to pay. In the same vein, in *Nigerian Copyright Commission v Stanley Nwankwo*, involving possession and sale of pirated DVDs and CDs, the accused was sentenced to six months' imprisonment or a fine of ₦50,400, which he also paid. Perhaps most instructive is *Nigerian Copyright Commission v CVL Technologies Ltd*, where a registered optical disc manufacturing company was convicted on multiple counts involving the production and possession of hundreds of infringing copies and sophisticated piracy equipment⁴².

Despite the scale, sophistication, and commercial nature of the offence, the court imposed a fine of only ₦114,000. In an industry where piracy generates billions of naira annually, these sanctions are economically insignificant and easily absorbed as part of operational costs. These cases exemplify that copyright infringement in Nigeria has become a low-risk, high-reward enterprise. Offenders routinely plead guilty, pay nominal fines, and resume operations, thereby rendering criminal prosecution largely symbolic rather than deterrent which is the true essence of prosecution.

6.0. COMPARATIVE INSIGHTS FROM OTHER JURISDICTIONS

The comparative views present useful information on other enforcements models that Nigeria may borrow in enhancing its copyright protection system. In a number of jurisdictions, the focus has

⁴¹ 55 NIPJD [FHC, 2012] MKD/CR/38.

⁴² Unini Chioma, Nigerian CopyRight Act and Piracy: A case study using the International Standard (2022) TheNigeriaLawyer <<https://thenigeriaLawyer.com/nigerian-copyright-act-and-piracy-a-case-study-using-the-international-standard/>> accessed 11 February 2026.

been taken away off symbolic criminal sanctions to commercially significant, institutionally efficient as well as technologically responsive enforcement tools.

Civil litigation, statutory damages and industry-based anti-piracy measures are the main sources of enforcement of copyright in the United States⁴³. Under 17 U.S.C. SS504, courts are permitted to impose statutory damages without seeking evidence as to actual harm, thereby relieving the right holder from the often-insurmountable evidentiary burden of calculating economic damage in digital infringement cases.⁴⁴ This allows the court to impose substantial monetary costs that often surpass the revenues of the violator, especially in instances of wilful infringement.⁴⁵

The availability and enforcement of enhanced statutory damages evidently serves both compensatory and punitive functions, making infringement irrational. Moreover, the industry associations like Recording Industry Association of America (RIAA) and Motion Picture Association (MPA) are vigorously promoting the enforcement via monitoring, notice-and-takedown mechanisms and well-coordinated litigation.⁴⁶ This enforcement culture, which is grounded on the rights-holder, guarantees that copyright protection serves as a viable business protection and not a purely hypothetical right.

⁴³ Paul Goldstein, *Goldstein on Copyright* (3rd edn, Wolters Kluwer 2019).

⁴⁴ Copyright Act 1976, 17 USC § 504.

⁴⁵ *Sony BMG Music Entertainment v Tenenbaum* (2013) 719 F 3d 67 (1st Cir).

⁴⁶ Recording Industry Association of America, *Copyright Enforcement and Anti-Piracy Programmes* <<https://www.riaa.com/resources-learning/about-piracy/>> accessed 11 February 2026;

Motion Picture Association, *Anti-Piracy and Content Protection* <<https://www.motionpictures.org/what-we-do/protecting-creativity/>> accessed 11 February 2026.

The UK is also focused on civil remedies and injunctive relief, as well as strategic collaboration between rights holders and internet services providers (ISPs). Courts regularly issue injunctive orders under the copyright, design and patents act 1988, under which they restrain actual or threatened infringement.⁴⁷

Pertinent to note is the application of the use of website blocking orders as regards websites that promote infringement on a large scale.⁴⁸ In *Cartier International AG v British Telecommunications Plc*, the courts saw the need of focusing on the infrastructural conditions that facilitated the occurrence of piracy and not focus on the individual end-users whose prosecution would be very inefficient and ineffective.⁴⁹ Such an intervention at the distribution level is an indication of a pragmatic enforcement philosophy that takes into consideration the realities of digital dissemination. The UK example illustrates how judicial innovation, with the collaboration of the ISPs, can significantly reduce online infringement without necessarily involving the criminal prosecution of infringement offenders.

India provides particularly informative teachings to Nigeria as it faces the same problem of population size, technological development, and the lack of capacity of the enforcement. Specialised intellectual property benches of the Indian courts have significantly enhanced quality, consistency and speed of copyright adjudication.⁵⁰ The occupants of these benches have overtime, developed an in-depth familiarity with intellectual property cases, which impact a greater appreciation of the

⁴⁷ Copyright, Designs and Patents Act 1988, ss 96, 97A.

⁴⁸ *Cartier International AG v British Telecommunications Plc* [2016] EWCA Civ 658; [2018] UKSC 28.

⁴⁹ *Ibid.*

⁵⁰ Jacques de Werra et al, 'Specialised Intellectual Property Courts- Issues and Challenges' (2016) <https://www.ceipi.edu/websites/ceipi/Documents/Publications_C_EIPI__ICTSD/CEIPI_ICTSD_N__2.pdf> accessed 11 February 2026.

technological, business, and transnational aspects of infringement.⁵¹ The result of this institutional specialisation is the abrogation of procedural delays, reduction of inconsistent rulings and an exponential increase in the confidence of the rights holders. Notably, it changes the enforcement system that was based on a generalist model of the judicial system to a competence-based model of the judicial system and involves more decisive and commercially significant results⁵². In the case of Nigeria where intellectual property litigation is likely to be pending and inconsistently enforced, this model highlights the importance of judicial specialisation as an enforcement multiplier.

In South Africa, the copyright protection within follows a collaborative and decentralised approach which includes customs departments, right owners, industry associations, and regulatory bodies.⁵³ South Africa focuses on both administrative and civil enforcement coordinated rather than over reliance on criminal prosecution, especially where the points of entry and distribution are involved. The customs officials actively screen counterfeit goods, whereas the industry associations work to offer intelligence and technical skills to the enforcement authorities.⁵⁴

This system of shared responsibility decreases the points of enforcement, enhances the detection rates, and aligns the resources of the public enforcement with the knowledge of the private sector. The South African legal regime shows how the cooperation of institutions may counterpoise the lack of prosecutorial resources and provide more durable enforcement results.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Copyright Act 1978 (South Africa); Counterfeit Goods Act 1997 (South Africa).

⁵⁴ Customs and Excise Act 1964 (South Africa); Southern African Federation Against Copyright Theft (SAFACT), Anti-Piracy Enforcement Framework.

Together these jurisdictions show that successful copyright enforcement is not just determined by the presence of legal rights, but enforcement structures that emphasize deterrence, judicial effectiveness, stakeholder co-operation and technological flexibility. The comparative lessons that are currently being learnt in Nigeria would be more than welcome in terms of the current enforcement framework which is characterized by the improvement of civil remedies, judicial specialisation, and integrated public-private enforcement strategies.

7.0. CONCLUSION

Nigeria has an impressively established legal framework for Copyright, it is modern in orientation, and also conforms with international standards.⁵⁵ Nigeria is a signatory to major intellectual property treaties and has enacted legislation intended to safeguard the rights of authors, filmmakers, musicians, and other creators.

In theory, the country recognizes the immense economic and cultural value of creative works. Yet in practice, the promise of this framework is persistently frustrated and halted by weak enforcement mechanisms, judicial inconsistency, systemic delays, and penalties that have historically failed to prevent infringement. The result is a troubling gap between normative strength and practical impact. It exemplifies a wide gap between the law as it ought to be and the law as it is practiced. This lacuna is largely visible in Nollywood which not merely an entertainment sector; it is an economic engine, a vehicle of soft power, and a repository of national narratives.

The persistence of piracy in Nigeria is not simply a matter of moral failing or technological inevitability; it is largely a consequence of insufficient deterrence. When infringement attracts minimal

⁵⁵ WIPO Copyright Treaty (WCT) adopted at Geneva on Dec. 20, 1996, S Treaty Doc. No. 105-17 (1997).

consequences, whether in the form of nominal fines, suspended or reduced sentences, or protracted litigation that yields little practical remedy, it becomes a rational economic gamble for offenders. Strengthening copyright enforcement, therefore, is not merely a legal exercise, it is both an economic necessity and a cultural imperative. Ultimately, copyright law must evolve beyond symbolic alignment with international norms and become a living instrument of protection and empowerment. When enforcement is credible, penalties meaningful, and institutions resilient, copyright law can fulfil its intended function, not merely as a regulatory mechanism, but as a catalyst for creativity, innovation, and sustainable cultural development. In safeguarding Nollywood, Nigeria safeguards not only an industry, but a vital expression of its identity and its future.

8.0. RECOMMENDATIONS

i. Increased Awareness and IP Education for Nigerians:

Copyright infringement in Nigeria is often as a result of little understanding of the copyright regulation and economic damages to the creators. The culture of intellectual property respect can be encouraged through the targeted public sensitisation campaigns especially among the consumers, digital entrepreneurs, and informal market operators.

ii. Punishment must be commensurate with the Crime Committed by Infringers

Although the law has been amended to ensure that fines are commensurate with crimes committed as far as copyright infringement is concerned, there is need to ensure that the courts are not swayed by emotions when giving judgements and the give adequate and deterring punishment to offenders. Fines must correspond to the magnitude of

business, profitability, and organise nature of the present-day piracy, especially digital piracy.⁵⁶

iii. There should be Institutional capacity building

The NCC requires adequate funding to be able to carry out its functions effectively. The government should ensure that adequate funding is provided for the commission to organise trainings for staff and even community members. They need adequate funding to be able to go on raids, effect arrests and also follow up on court cases. They need innovative investigative equipment, and the specialisation in digital forensics, methods of cyber-patrol, and preservation of evidence via the Internet.⁵⁷ Due to the cross-border interference of online piracy, online piracy requires greater inter-agency cooperation between the NCC, the Nigeria Police Force, the Economic and Financial Crimes Commission (EFCC), and the cybercrime units.⁵⁸ Availability of organised process of sharing information and creation of shared task forces among all the agencies would greatly enhance detection and prosecution and disruption of organised piracy rings.

iv. Technological tools should be used for preventive and enforcement mechanisms

Technological tools should be utilised to prevent and enforce copyrights in Nollywood.⁵⁹ Digital rights management (DRM) systems, forensic watermarking and automated content ID solutions can help the rights holder in monitoring the unauthorised distribution and establishing the origin of infringement. The content creators, streaming platforms, and

⁵⁶ Ruth Okediji, 'The Limits of International Copyright Enforcement for Developing Countries' (2019) 21(3) *Vanderbilt Journal of Entertainment and Technology Law* 563.

⁵⁷ Nigerian Copyright Commission, *Strategic Action Plan on Copyright Enforcement* (NCC Publications).

⁵⁸ *Cybercrimes (Prohibition, Prevention, etc) Act 2015*; *Copyright Act 2022*, s 81.

⁵⁹ OECD, *Digital Security Risk Management for Economic and Social Prosperity* (OECD Publishing 2015).

telecommunications companies' strategic partnership should facilitate timely takedowns of infringement and lower the revenue loss in legitimate channels of distribution.⁶⁰

⁶⁰ Motion Picture Association, Protecting Content, Creators, and Audiences Everywhere <<https://www.motionpictures.org/content-protection/>> accessed 11 February 2026.