

COPYRIGHT PROTECTION IN NIGERIA: WHAT CREATORS AND BUSINESSES MUST KNOW

In the digital age, content is currency. From books and music to software, films, online courses, and marketing materials, creative works form the backbone of many modern businesses.

Yet many creators and business owners do not fully understand how copyright protection works in Nigeria or how to enforce their rights when infringement occurs.

This article explains copyright protection under Nigerian law, what qualifies for protection, and how creators can safeguard their intellectual assets.

What Is Copyright?

Copyright is a legal right that protects original creative works from unauthorized reproduction, distribution, performance, or adaptation. In Nigeria, copyright is governed by the Copyright Act 2022, which repealed and replaced the former Copyright Act to address digital realities and strengthen enforcement mechanisms.

Unlike trademarks, copyright protection arises automatically once an eligible work is created and fixed in a tangible form. There is no requirement for registration before protection exists.

What Works Are Protected Under Nigerian Law?

Under the Copyright Act 2022, the following categories of works are protected:

- Literary works (books, articles, software code)
- Musical works
- Artistic works (paintings, drawings, designs)
- Cinematograph films
- Sound recordings
- Broadcasts

For protection to arise, the work must:

- Be original
- Be fixed in a definite medium of expression
- Involve sufficient effort to give it a distinct character

Ideas alone are not protected, only the expression of those ideas.

Rights Granted to a Copyright Owner

The owner of copyright enjoys exclusive rights to:

- Reproduce the work
- Publish or distribute it
- Perform or communicate it to the public
- Adapt or translate it
- Authorize others to use it

These rights allow creators to commercially exploit their work while preventing unauthorized use.

Duration of Copyright Protection in Nigeria

The duration of copyright protection varies depending on the type of work:

- Literary, musical, and artistic works: 70 years after the death of the author
- Films and sound recordings: 50 years after first publication
- Broadcasts: 50 years after the first broadcast

Once the protection period expires, the work enters the public domain.

Is Copyright Registration Required in Nigeria?

Copyright protection is automatic. However, creators may record their works with the Nigerian Copyright Commission (NCC) for evidentiary purposes.

While not mandatory, this record can:

- Serve as proof of ownership
- Assist in enforcement actions
- Strengthen commercial transactions

In disputes, evidence of authorship and date of creation is critical.

Copyright Infringement: What Constitutes a Violation?

Copyright infringement occurs when a person, without authorization:

- Reproduces a protected work
- Uploads or distributes it online
- Sells pirated copies
- Publicly performs it
- Adapts it without permission

In the digital environment, infringement commonly occurs through:

- Unlicensed uploads
- Software piracy
- Unauthorized streaming
- Content scraping

The Copyright Act 2022 strengthens penalties for infringement, including civil remedies and criminal sanctions.

Remedies Available to Copyright Owners

A copyright owner may seek:

- Injunctions
- Damages
- Account of profits
- Delivery up or destruction of infringing copies
- Criminal prosecution in appropriate cases

Strategic enforcement often requires prompt legal intervention to minimize commercial damage.

Copyright vs Trademark: Key Distinction

While both are intellectual property rights:

- Copyright protects creative works
- A trademark protects brand identity

For example:

- A company logo design may attract copyright protection as an artistic work.
- The same logo may also be registered as a trademark to protect its use in commerce.

Businesses often require both forms of protection.

Strategic Considerations for Businesses and Creators

Creators and companies should:

- Maintain proper records of authorship
- Execute written agreements assigning rights where necessary
- Include copyright clauses in employment and contractor contracts
- Monitor online use of their works
- Seek legal advice before licensing or commercial exploitation

Intellectual property should be treated as a business asset, not an afterthought.

Conclusion

Copyright protection in Nigeria provides creators and businesses with powerful legal rights. However, understanding the scope of those rights and how to enforce them is essential in a digital and highly commercialized economy. Proactive legal structuring and enforcement can mean the difference between monetizing creative effort and losing control of it.