



Appraisal of Ownership Rights under the Nigerian Copyright Act 2022

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The 17th of March 2023 signalled a new dispensation in the Nigerian Copyright administration, as the Copyright Act 2022 came into force. In line with the recent enactment, this study appraised ownership rights under the Copyright Act 2022. In achieving this, the doctrinal, empirical, and causal research methodology were employed such that 185 copyright owners were surveyed, and the study found that while many are aware of copyright and ownership, a significant number are unaware of the CA 2022. Despite this, few owners believe the Act effectively protects copyright ownership challenges. The novel provisions of Copyright Act 2022 in Nigeria include provisions for digital infringement, liability for property owners, stiffer penalties for infringement of copyright and additional powers for the Nigerian Copyright Commission, among others. However, few participants of the studied population are aware of these provisions, suggesting that more needs to be done to promote creativity and help creators exclusively reap the fruit of their works. Conclusively, true change cannot be found in creation of a law, but rather in its implementation and compliance. The authors recommend that stakeholders educate the public about the benefits of copyright protection to promote full potential of the CA 2022.

Keywords: Copyright, Copyright Act, 2004, Copyright Act, 2022, Copyright Ownership, Nigeria

In the past decade, there has been notable surge in the comprehension of intellectual property and its economic advantages for the community. This is majorly due to the expansion of research across many areas, as creativity, invention, and innovation are the greatest assets and the cornerstones of every civilization which strengthens the economy of a country.¹

Intellectual property is an intangible or abstract property created by the human intellect.² It is a collection of rights that safeguards the creations, notions, and thoughts of the mind.² Intellectual property rights are protected by an array of laws which recognizes its significance³ and these rights relate to the ownership of tangible representations or expressions of ideas rather than the abstract, non-physical construct.⁴ Intellectual Property rights are typically comprised of two main categories which are copyright and related rights and industrial designs which comprise patents for inventions, industrial designs, trademarks, and geographical indications.³ These rights are primarily governed by the Copyright Act, the Patent and Designs Act, and the Trademark Act.⁵

Copyright is the protection of an original expressed idea and not simply the idea itself, which relates

to literary, artistic, musical, audiovisual works, sound recordings and broadcasts⁶, thus a person, can only be a copyright owner under these works. While creativity itself cannot be stolen, the work of a creative copyright owner can. A creative copyrighted work requires the fusion of resources, patience, stamina, and passion to develop. Consequently, to regulate and protect the ownership of these works, prevent exploitation and unauthorized access, laws had to be put in place.⁷ This ultimately resulted in the introduction of the copyright legal framework into the Nigerian legal system.

The protection of copyright ownership was extensively provided for by the Nigerian Copyright Act, Cap. C28 Laws of the Federation of Nigeria 2004 ('Copyright Act 2004' or 'CA 2004'), which was enacted in 1988. It spelt out the exclusive rights of copyright owners which dictates how their works are used for commerce or business, including replication, importation, public display, distribution, and performance.⁶ The CA 2004 also identified acts that are considered copyright infringement. These are dealings that are done without the license or authorization of the copyright owner.⁶

However, with the development of open and advanced technology, and the persistence of infringers to undermine the rights of owners, the measures

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contained in CA 2004 proved insufficient to safeguard the protectable interests of copyright owners. There was a need to address emerging issues that could greatly impact copyright ownership, and the persistent effort by stakeholders to review the existing legislation on copyright brought about the signing into law, by former President Muhammadu Buhari, the new Nigerian Copyright Act 2022, which repealed the CA 2004.⁸

The repeal of the CA 2004 devolved from the need for a law that would address the current challenges faced by copyright owners, enhance copyright regulation, and strengthen the competitiveness of the creative sector in Nigeria. This need was also depicted by the rapidly expanding and vibrant creative sector in Nigeria, which is typified by the emergence of the digital world and its technological advancements.⁹ The CA 2004 came into force in 1988 and during its existence was subjected to amendments in 1992 and 1999 [10]. However, since its last amendment in 1999, no revision whatsoever was conducted on the CA 2004. Using the year 2022 as a yardstick, it resulted in a gap of over two decades, within which the provisions of the CA 2004 were revised. Within this gap, the world witnessed tremendous progress in scientific and technical advancements that transformed contemporary life, prompting numerous scholars to refer to this current era of civilization as "the jet/computer age".¹¹

The internet and technology have expanded how copyright owners can use and share copyrighted works. Digital copies of works that can be replicated with compression software are becoming increasingly prevalent. Bypassing the conventional marketing and distribution channels, up-and-coming artists who are unable to afford the major record labels now have a platform where they can provide their works for purchase or viewing without charge. High-quality reproductions of works can now be produced, attributable to digital technology. Digital remastering and distribution of old film prints and sound recordings that were initially produced in analog format are becoming a growing trend. Nowadays, an array of law report, case analysis, scholarly journals and periodicals can be found online in digital format.¹²

However, the digitization of copyright-protected content has significant consequences for the owners because it has made it easier for information to be copied and shared by unauthorized third parties, which has consequently impacted the Nigerian legal

system as it has upended conventional methods of intellectual property protection and placed the law in a condition of constant flux as it struggles to catch pace with the rapidly evolving landscape of innovations.¹³ Nigeria has reaped significant benefits from the abundance of copyright-related products since gaining its independence. The following, as provided under Section 2(1) of the Copyright Act, are the recognized cutting-edge copyright-related products, that are protected and granted copyright status under the Act: literary works, musical works, artistic works, audiovisual works, sound recordings and broadcasts.⁶

According to preliminary data, as was noted by the former Director General, Nigeria Copyright Commission, Afam Ezekude, copyright-based sectors in Nigeria contribute up to 1.2 trillion naira (US\$ 7.5 billion) annually to the Gross Domestic Product of Nigeria, while having the potential to contribute between 5 and 10 percent annually.¹⁴ Notwithstanding the foregoing, Nigeria consistently maintains its position as one of the top piracy destinations and markets in the world for the same products that the Copyright Act is purportedly protecting. The persistent issue of piracy has been a cankerworm undermining the success of the industry, because of its prevalence, the CA 2004 rapidly became out of date and unable to meet the current challenges of protecting copyright ownership.¹¹ It was argued that the CA 2004 put in place for copyright protection fell significantly short of what is necessary in this current day and age. The current advancements in recent time and age were not reflected in the scope and nature of rights protected by the Copyright Act, thus revealing the gaps in the CA 2004 and rendering some of its provisions archaic and ineffective in the protection of copyright.¹⁵ Consequently, to catch pace with the rapidly advancing standards of technology, the Act needed to be modified.

Taking these into consideration, the Nigerian Copyright Commission (NCC) alongside stakeholders unanimously decided to revisit the CA 2004, with a view to establishing an improved version. The 17th of March 2023 heralded a significant shift in the Nigeria copyright legal framework, as the Copyright Bill of 2022 (now 'Copyright Act 2022' or 'CA 2022') was signed into law and it repealed the Copyright Act, Cap C28, LFN 2004 (CA 2004).¹⁶

The CA 2022, which was much anticipated is expected to address the lacunas neglected by the CA 2004, contain copious provisions that positively affect

the rights of copyright owners, address copyright challenges in this current age and not be a mere replica of the previous Act or an administrative process introduced by the Nigerian government. It was enacted with the objective to safeguard the rights of authors; guarantee adequate rewards and acknowledgment for their innovative labour; establish sufficient restrictions and exceptions to ensure the availability of creative works⁶ and it is expected that these objectives are achieved.

Concept of Copyright Ownership

Copyright ownership is the ability to legally possess a copyrighted work. Thus, an owner is a person, human or legal, who has the exclusive right to exercise copyright control over a work of art and need not be the author of the work. Every tangible work protected by copyright has two property interests: the ownership of the work itself and the copyright in the work. For instance, by virtue of the sale, the buyer of a book gains ownership of the book itself. The buyer has the right to read the book or resell it owing to this exclusive interest. That being said, this does not give him the right to republish the book and use any of the exclusive rights of the copyright owner.¹⁷ The exclusive rights of the copyright owners are contained in Sections 9-13 of the CA 2022.

The CA 2022 establishes the general rule on the subject matter of copyright ownership. It provides thus:

28. (1) *Except as otherwise provided in an agreement, copyright conferred by this Act, shall initially vest in the author.*

This section establishes the general rule that the author of a work is the first owner of the copyright in the work. However, there are several instances where one would be regarded as the owner of a copyright despite not being the author of the work. Such instances are highlighted in the CA 2022 as follows:

- The copyright in a work created by an individual working for a government, a ministry, department, or agency of a government, or a prescribed international or intergovernmental organization, in the absence of a contrary agreement, shall be owned by that government, ministry, department, agency, or prescribed international or intergovernmental organization.⁶
- In spite of Section 28 (1) of the Act 2022 and subject to any agreement between the parties, an individual who commissions the taking of a photograph, painting or drawing a portrait, or

creating an audiovisual work for private or domestic use will be deemed to have a non-exclusive license to use the work for uses that do not constitute commercial objectives. Such an individual will also be able to restrict the publication, exhibition, broadcasting, communication, distribution, and making copies of the creative work available to the general public.⁶

- The copyright in a collective work will be owned by the person whose idea or direction led to the creation of the work unless an agreement specifies otherwise. However, the authors of works incorporated into a collective work will be able to profit from their creations separately from the collective work.⁶
- Where the copyright is transferred by way of assignment, testamentary disposition, or operation of law, the one to whom it is transferred would be regarded as the owner of the copyright.⁶

Theories of Copyright Ownership

Utilitarian Theory

The utilitarian philosophy developed by philosopher Jeremy Bentham served as the foundation for this theory. All humans are equal under the philosophy of Bentham, and pleasure and suffering are dependent on quantity rather than quality. Thus, the best course of action in any moral or ethical conundrum is the one that results in the fewest people suffering or, on the other hand, the greatest number of people deriving pleasure.

In weighing the quantity over quality, there are undoubtedly many more users and consumers of copyrighted works than owners of copyright. Thus, the utilitarian theory of copyright is one which emphasizes the need for copyright protection for copyright owners only where the interest of the greater category of individuals (users and consumers) are prioritized. In a different light, according to this theory, rather than honouring copyright owners, the main goal of copyright is “to promote the creation and distribution of creative works”.¹⁸

Economic Theory

This theory posits that in the absence of copyright protection for copyright owners, creators, or a large portion of creators will not create works of copyright or will create insufficient quantities. Thus, copyright protection is needed and justified to encourage creators, and beyond the protection, financial incentives for creators are required.¹⁹

Works of copyright are deemed to be beneficial to the society, the production of which should be encouraged. To rectify the market failure that will be experienced when creators become reluctant to create, protection in form of exclusive rights and financial incentives to further encourage creators becomes essential.¹⁹

Labour/Natural Rights Theory

The labour theory is also known as the 'Natural Rights theory' and its development is attributed to philosopher John Locke theory of property. The foundation of the Lockean theory of property is the idea that each person has a property right in the products of their labour.¹⁸

The Lockean theory asserts that such a property right in one's own labour is a natural right, and further in this view, it is asserted that anything which a person combines, annexes, or adds to his/her labour becomes his/her property. Drawing an inference from the above, the Labour/Natural rights theory of copyright addresses the need for and justifies copyright protection for copyright owners on the ground that as a result of the mental labour invested in the creation of a work, the original creator of such a work is entitled to exclusive rights (natural rights) contained in the work.²⁰ The CA 2022 gives authors exclusive right of ownership to their creations.

Personality/Personhood Theory

This theory of copyright, which is usually attributed to the philosophical theories of Georg William Friedrich Hegel and Immanuel Kant, asserts that creators possess profound connections with their works, thus it becomes necessary to grant them some degree of continual control over those works out of respect for their sense of self.²¹

Under this theory, works are viewed as personal extensions of the creators. As a result of this, interfering in any way with those works would be akin to trespassing on a portion of the creator's body.²¹ The well-being and sense of identity of the creator hinges on the idea once appropriated. This therefore establishes the need and justification of copyright protection for copyright owners.

In light of the foregoing, the theories discussed provide cogent positions on the need and justification for copyright protection. Regarding the creation of CA 2022, to repeal the CA 2004, government intends to protect the welfare or happiness of creators so as to promote creativity for societal benefits and ensure that

authors reap the fruits of their labour exclusively by increasing the penalties for copyright infringements.

Research Objectives

1. To investigate the awareness, knowledge and perception of the CA 2022 by copyright owners.
2. To assess the factors that necessitated the enactment of the CA 2022 and understudy the significant changes that distinguish the CA 2022 from the Copyright Act 2004.
3. To analyse the effectiveness of the Copyright Act 2022 in addressing current copyright challenges and make necessary recommendations to the stakeholders.

Research Questions

1. What is the level of awareness, knowledge and perception of the CA 2022 by copyright owners?
2. What are the factors that necessitated the enactment of the CA 2022 and what are the significant changes that distinguish the CA 2022 from the CA 2004?
3. How effective is the CA 2022 in addressing the current copyright ownership challenges?

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Research Methodology

This paper applied doctrinal research, causal/explanatory research, and empirical research. Doctrinal research method was adopted by conducting primary and secondary sources of law. Causal research method was adopted by examining the cause-and-effect connection between the CA 2022, which can be regarded as the independent variable, and copyright owners in Nigeria, the dependent variable [22]. Empirical research method was also adopted by conducting quantitative research on about 200 copyright owners in Osun State, Nigeria, via distribution of questionnaire, but only 185 filled accurate responses valid for this study. The questionnaire, divided into 4 sections, the first deals with the demographic of the participants, second, comprises questions on awareness, knowledge and perception of the participants about CA 2022, third, addresses factors that necessitates the enactment of the CA 2022 and its significant differences between the CA 2004 and CA 2022 and lastly, the fourth deals with questions on the effectiveness of the CA 2022 in addressing the challenges of the copyright owner.^{23, 24} The questions are brief and it requires the participants to select a choice from a list of pre-given answers that most closely matches their viewpoint on

the question asked. The participants were selected by random sampling technique among copyright owners within academic environs involving students, lecturers, and administrative staff which provided all the chances of being included in the sample.^{25, 26}

An ethical consideration was duly observed as the first page of the questionnaire contains the consent form and the authors ensured that all participants read and understood before addressing the questions. However, some participants were reluctant to fill the questionnaire on the spot when administered on them due to several reasons, ranging from shortage of time, no incentives, length of the questions and some promised to return the questionnaire later but failed to do so. Nevertheless, the collected data were analysed by the use of statistical packages for social sciences (SPSS) Version 24, descriptive statistics including frequency counts and percentage distributions, and chi-square statistical test,^{27, 24} and Friedman mean ranking test.²⁸

In addition, expert opinions were sought from Dr Ifeoluwa Olubiyi, authorities in the Intellectual Property field, and Mrs. Linda Alphaeus, the Director of the Lagos Office for the Nigerian Copyright Commission.

Results/Findings of Data Collected

Data Presentation and Results: Socio-Demographics

The findings on the socio-demographics of the respondents were presented in Table 1. The respondents' age distribution was such that 41.6% of them aged between 15 and 20 years, 30.8% of them were aged within 21 and 30 years, 10.9% of them were between the age range of 31 and 40 years, 9.2% aged ranging 41 and 50 years, and 7% of them were within the age range of 51 and 60 years, while 0.5% of them were above 60 years of age. The categorization of the respondents' religious affiliation shows that nearly all the respondents (97.3%) were Christians, and 2.2% of them were Muslims, while 0.5% were Traditionalists.

Information relating to the respondents' marital status revealed that majority of them (75.2%) were single, and 24.3% married, while 0.5% were living separately from their spouse. In respect to the respondents' educational level, it was observed that 1.1% were not educated, 5.4% had secondary education, larger percentage (93.5%) had either or were on their tertiary education. The last reported socio-demographics information of the respondents

Table 1 — Frequency Distribution showing Respondents' Socio-Demographic

Factors	Options	Frequency	%
Age	15-20 Years	77	41.6
	21-30 Years	57	30.8
	31-40 Years	20	10.9
	41-50 Years	17	9.2
	51-60 Years	13	7.0
	Above 60 Years	1	.5
	Total	185	100.0
Religious Affiliation	Christianity	180	97.3
	Islamic	4	2.2
	Traditional	1	.5
	Total	185	100.0
Marital Status	Single	139	75.2
	Married	45	24.3
	Separated	1	0.5
	Total	185	100.0
Educational Level	None	2	1.1
	Secondary Education	10	5.4
	Tertiary Education	173	93.5
	Total	185	100.0
Occupation	Student	90	48.7
	Unemployed	2	1.1
	Self Employed	15	8.1
	Employed	75	40.5
	Retired	3	1.6
	Total	185	100.0

was their occupation. It was indicated that 48.6% of them were students, 1.1% unemployed, 8.1% self-employed, and 40.5% were employee of various establishments, while 1.6% were retirees.

Data Presentation and Results: Research Question 1

The result in Table 2 shows the level of awareness, knowledge and perception of CA 2022 by copyright owners. The report of the respondents as regards the works they own on copyright was such that 49.2% gave consent to the statement that they had literary works, such as books, poems, plays, computer programs, sermons, articles, essays, letters, 12.4% reported that they had artistic works, such as paintings, drawings, photographs, maps, sculptures, architectural works, plans, diagrams, 13.5% said they own musical works. That is, a song with lyrics, such as the song 'Arise' by Don Moen, 'Grace' by Michael Smith, 9.7% complied that they had the Musical works; which are song with lyrics, such as the song 'Arise' by Don Moen, 'Grace' by Michael Smith, and similar percentage (9.7%) had audiovisual works, such as motion pictures, slideshows, films, while

Table 2 — Chi square summary showing the level of awareness, knowledge and perception of the Nigerian Copyright Act 2022 by copyright owners

Items	Response Options	F	%						
How many works on copyright do you own? (Please select as many as applicable)	Literary works, such as books, poems, plays, computer programs, sermons, articles, essays, letters	91	49.2						
	Artistic works, such as paintings, drawings, photographs, maps, sculptures, architectural works, plans, diagrams	23	12.4						
	Musical works, that is, a song with lyrics, such as the song 'Arise' by Don Moen, 'Grace' by Michael Smith	25	13.5						
	Sound recordings, such as audio recording of the instruments in a song, sound effects	18	9.7						
	Audiovisual works, such as motion pictures, slideshows, films	18	9.7						
	Broadcasts, such as programs displayed on the Television, documentaries, television commercials, video podcasts, cartoons	18	9.7						
					SA	A	UN	D	SD
I have heard of the term 'copyright' before	F	106	70	2	-	7	185		
	%	57.3	37.8	1.1	-	3.8	100.0		
Copyright is a type of intellectual property that protects original works fixed in a tangible form of expression	F	97	71	10	1	6	185		
	%	52.4	38.4	5.4	0.5	3.3	100.0		
Copyright entails the exclusive right given to the owner of a creative work	F	96	75	11	1	2	185		
	%	51.9	40.6	5.9	0.5	1.1	100.0		
I have heard of the term 'copyright owner' before	F	77	87	15	4	2	185		
	%	41.6	47.0	8.1	2.2	1.1	100.0		
A copyright owner is one who has the intellectual property that protects original works fixed in a tangible form of expression	F	82	79	15	6	3	185		
	%	44.3	42.7	8.1	3.3	1.6	100.0		
A copyright owner is one who has the exclusive right of a creative work	F	88	84	4	4	5	185		
	%	47.6	45.3	2.2	2.2	2.7	100.0		
I have heard of the Nigerian Copyright Act before	F	2	76	84	21	2	185		
	%	1.1	41.1	45.4	11.3	1.1	100.0		
I am aware that the Nigerian Copyright Act 2004 was recently replaced with the Nigerian Copyright Act 2022	F	24	31	59	56	15	185		
	%	13.0	16.8	31.9	30.2	8.1	100.0		
I have had cause to go through the recent Nigerian Copyright Act 2022	F	10	20	43	84	28	185		
	%	5.4	10.8	23.2	45.4	15.2	100.0		
I feel that the Nigerian Copyright Act 2022 affects my copyright ownership positively	F	12	36	107	21	9	185		
	%	6.5	19.5	57.8	11.3	4.9	100.0		
Averaged Total	F	59	63	35	20	8	185		
	%	31.9	34.1	18.9	10.8	4.3	100.0		
	X ²	62.270							
Chi Square	Df	4							
	P	< .05							

9.7% also said they have copyright's' broadcast television commercials, video podcasts, cartoons.

Nearly all the respondents (95.1%) affirmed they have previously heard of the term copyright, 1.1% were indifferent, although 3.8% report differently. In a similar trend 90.8% respondents were of the view that copyright is a type of intellectual property that protects original works fixed in a tangible form of expression, 5.4% were equivocal, meanwhile 3.8% had a contrary view. Majority of the respondents (92.5%) were of the opinion that copyright entails the exclusive right given to the owner of a creative work, 5.9% were neutral in opinion, while 1.6% had a contrary opinion.

The respondents in their larger percentage (88.6%) affirmed that they have previously heard of the term copyright owner, 8.1% were neither consenting nor rejecting this statement, however 3.3% refuted. Similarly, 87% of the respondents agreed that a copyright owner is one who has the intellectual property that protects original works fixed in a tangible form of expression, 8.1% neither agreed nor disagreed, although 4.9% disagreed. Nearly all the respondents (92.9%) were of the perception that a copyright owner is one who has the exclusive right of a creative work, 2.2% were indecisive, while 4.9% report contrarily. It was reported by 42.2% of the respondents that they had heard of the Nigeria

copyright act in time passed, 45.4% were equivocal, meanwhile 13.5% refuted.

It was further reported in this result that while 29.8% respondents complied with the statement that they were aware that the CA 2004 was recently replaced with the CA 2022, 31.9% were indifferent, though 38.3% had a contrary view. It was the impression of 16.2% respondents report that they have had course to go through the recent CA 2022, 23.2% were not certain with their response, meanwhile 60.6% deposed this impression. Lastly, 26% respondents felt that the CA 2022 affects their copyright ownership positively, 57.8% were neutral in response, however 16.2% felt contrary.

Therefore, it is reported in the average summary that although a reasonable number of the respondents had reasonable level of awareness and knowledge of the concept of copyright, a significant number of the respondents were not aware of the progression on the copyright legislation in Nigeria. In relation to the perception of the CA 2022 in Nigeria, it is reported that the respondents who are aware of the progression on the copyright legislation in Nigeria are positively disposed in their perception towards the CA 2022.

Data Presentation and Results: Research Question 2

Research Question 2: What are the factors that necessitated the enactment of the Nigerian Copyright Act 2022, and the significant changes that distinguish the Nigerian Copyright Act 2022 from the Copyright Act 2004?

The result in Table 3 depicts the factors that necessitated the enactment of the CA 2022, and the significant changes that distinguish the CA 2022 from the Copyright Act 2004. The Friedman test conducted revealed that the reported mean ranking was valid to explain the preference with the identified determining factors based on the perceived impact ($X^2 = 81.367$, $df = 13$, $p < .05$).

Identifying the factors that necessitated the enactment of CA 2022 in the order of hierarchy places the factor that the CA 2004 did not contain enough provisions that spelt out the right of copyright owners ($M = 7.48$) first in rating. It was reported that 38.4% respondents were positive to this statement, 55.7% were indecisive, meanwhile 5.9% did not bide this idea. The position that the CA 2004 did not recognize and protect works in the online space (the internet) ($M = 7.41$) was next rated as a factor that contributed to the enactment of the CA 2022. It was reported that 37.3% respondents complied with this position,

54.6% were neutral in response, meanwhile 8.1% refuted. That the CA 2004 was not inclusive to people with special conditions (disabled) was the following factor identified as necessitating the enactment of the CA 2022 and this was placed in rating with the mean value of 7.40. Similar percentage of the respondents (37.8%) obliged this idea, and 54.1% were neither in support nor against this idea, however 8.1% did not bide this idea. The next identified factor that necessitated the enactment of the CA 2022 was that the CA 2004 was outdated ($M = 7.31$). It was reported that 35.1% of the respondents gave consent to this opinion, 55.2% were neutral in response, though 9.7% were of a contrary opinion.

It was further reported in this result that rating the identified factor that necessitated the enactment of the CA 2022 had placed next in ranking the statement that the CA 2004 did not contain enough provisions that permitted people to access a work of copyright without the owner's consent ($M = 7.18$). This was such that 35.6% of the respondents were in compliance with this impression, and 55.1% were equivocal, meanwhile 9.3% deposed this impression. Lastly, that the CA 2004 did not really address the issue of accessing a work of copyright without the owner's consent was a factor that necessitated the enactment of the CA 2022 and this was placed in rating with the mean value of 7.14. It was reported that 35.1% of respondents agreed with this statement, 55.2% neither agreed nor disagree, however 9.7% disagreed.

In identifying the significant changes which distinguishes the CA 2022 from the CA 2004, it was observed that 49.2% of the respondents affirmed the impression that the CA 2022 contains enough provisions that spells out the right of copyright owners ($M = 8.24$), 44.3% were indecisive, meanwhile 6.5% refuted. The next rated factor which sets apart the CA 2022 is that it promotes access to works of copyright by the public ($M = 8.18$). This was such that 44.9% of the respondents supported this idea, 51.4% were neither in support nor against it, though 3.7% did not bide this idea.

Following this, the mean value of 8.04 had placed next in ranking the identified factor that the CA 2022 differs from the CA 2004 because it recognizes and protects works in the online space (the internet). It was reported that 44.3% of the respondents agreed with this statement, and 49.7% neither agreed nor disagreed, however 6% disagreed. That the CA 2022 contains stricter penalties for accessing a work of copyright without the owner's consent and against the

Table 3 — Friedman's Test showing the factors that necessitated the enactment of the Nigerian Copyright Act 2022, and the significant changes that distinguish the Nigerian Copyright Act 2022 from the Copyright Act 2004

Items		Response Options					Total	Mean Ranking
		SA	A	UN	D	SD		
I feel that the Nigerian Copyright Act 2004 was outdated	F	17	48	102	12	6	185	7.31
	%	9.2	25.9	55.2	6.5	3.2	100.0	
The Nigerian Copyright Act 2004 did not recognize and protect works in the online space (the internet)	F	18	51	101	12	3	185	7.41
	%	9.7	27.6	54.6	6.5	1.6	100.0	
I feel that the Copyright Act 2004 did not contain enough provisions that spelt out the right of copyright owners	F	14	57	103	7	4	185	7.48
	%	7.5	30.8	55.7	3.8	2.2	100.0	
I feel that the Copyright Act 2004 did not really address the issue of accessing a work of copyright without the owner's consent	F	13	52	102	12	6	185	7.14
	%	7.0	28.1	55.2	6.5	3.2	100.0	
I feel that the Copyright Act 2004 did not contain enough provisions that permitted people to access a work of copyright without the owner's consent	F	13	53	102	12	5	185	7.18
	%	7.0	28.6	55.1	6.5	2.7	100.0	
I feel that the Nigerian Copyright Act 2004 was not inclusive to people with special conditions (disabled)	F	16	54	100	9	6	185	7.40
	%	8.6	29.2	54.1	4.9	3.2	100.0	
The Nigerian Copyright Act 2022 has new provisions that meet current copyright ownership issues	F	20	55	95	12	3	185	7.75
	%	10.8	29.7	51.4	6.5	1.6	100.0	
The Nigerian Copyright Act 2022 recognizes and protects works in the online space (the internet)	F	21	61	92	7	4	185	8.04
	%	11.3	33.0	49.7	3.8	2.2	100.0	
The Nigerian Copyright Act 2022 contains enough provisions that spells out the right of copyright owners	F	18	73	82	8	4	185	8.24
	%	9.7	39.5	44.3	4.3	2.2	100.0	
The Nigerian Copyright Act 2022 promotes access to works of copyright by the public	F	20	63	95	6	1	185	8.18
	%	10.8	34.1	51.4	3.2	0.5	100.0	
I believe that the Nigerian Copyright Act 2022 allows people to access a work of copyright without the owner's consent for purposes of fair dealing (that is, private use, non-commercial research, criticism, reporting of current events, private study among others)	F	21	45	99	18	2	185	7.52
	%	11.4	24.3	53.5	9.7	1.1	100.0	
The Copyright Act 2022 spells out the fair dealing factors that must be considered before a person can have access to a work of copyright without the permission of the copyright owner	F	16	52	106	6	5	185	7.43
	%	8.6	28.1	57.4	3.2	2.7	100.0	
Individuals who are blind or have any kind of vision loss can access a work of copyright without the permission of copyright owner	F	12	36	100	27	10	185	6.12
	%	6.5	19.5	54.1	14.6	5.3	100.0	
The Copyright Act 2022 contains stricter penalties for accessing a work of copyright without the owner's consent and against the law	F	22	51	102	8	2	185	7.79
	%	11.9	27.6	55.1	4.3	1.1	100.0	
Averaged Total	F	17	54	99	11	4	200	
	%	9.2	29.2	53.5	5.9	2.2	100.0	
	X ²				81.367			
Friedman's Chi Square	Df				13			
	P				< .05			

law was next in rating as a distinguishing factor with the mean value of 7.79. It was reported that 39.5% of the respondents gave consent to this opinion, 55.1% of them were not specific in response, and meanwhile 5.4% of them report contrarily.

That there were provisions that meet current copyright ownership issues in the CA 2022 was another major reason it was rated as a distinguishing

factor (M=7.75). This was the impression of 40.5% of the respondents, 51.4% were equivocal, though 8.1% refute this impression. That the CA 2022 allows people to access a work of copyright without the owner's consent for purposes of fair dealing (that is, private use, non-commercial research, criticism, reporting of current events, private study among others) has placed it next in rating as a distinguishing

factor ($M=7.52$). It was observed that 35.7% of the respondents were positive to this opinion, 53.5% were neither in support nor against the opinion, however 10.8% were of a contrary opinion.

The mean value of 7.43 had placed in rating the factor which sets apart the CA 2022 to be that it spells out the fair dealing factors that must be considered before a person can have access to a work of copyright without the permission of the copyright owner. It was observed that 36.7% of the respondents complied with this view, 57.4% were neither in support nor against this view, although 5.9% had a contrary view. Finally, the least identified factor which distinguishes the CA 2022 was that individuals who are blind or have any kind of vision loss can access a work of copyright without the permission of copyright owner ($M=6.12$). It was indicated that 26% of the respondents were positive to this impression, 54.1% were indecisive, and however 19.9% deposed this impression.

Therefore, it is reported in the average summary that despite a good number of the respondents indicating indecisiveness towards the CA 2022, it is justified that a number of the members of the public had identified the aforementioned factors as the rationale which necessitated the enactment of the CA 2022. Additionally, it is reported that the aforementioned changes were identified by the respondents as the significant changes which distinguish the CA 2022 from the CA 2004.

Data Presentation and Results: Research Question 3

Research Question 3: How effective is the Nigerian Copyright Act 2022 in addressing the current copyright ownership challenges?

The result on the effectiveness of the CA 2022 in addressing the current copyright ownership challenges was presented in Table 4. A good number of the respondents (50.2%) were of the perception that the CA 2022 adequately addresses the issue of piracy, 46.5% were indifferent, meanwhile 3.3% reported contrarily. A reasonable percentage of the respondents (61.7%) agreed with the statement that under the CA 2022 a person, who assists or makes it possible for another person to do an act that would lead to access to a work of copyright without the copyright owner's permission, would be punished as the person who had directly committed the offence of infringement, 29.7% neither agreed nor disagreed, though 8.6% disagreed. It was affirmed by 27.6% of the respondents that the CA 2022 provides for the owner of a property to be punished for allowing, in their

property, a person to reproduce a work of copyright, 40.6% were not specific in response, meanwhile 31.8% had a contrary opinion.

The position that the monetary fine for accessing a work of copyright without the owner's consent and against the law has been increased under the CA 2022 was supported by 34.5% of the respondents, 62.2% of the respondents were neutral in response, meanwhile 3.3% refuted. In a similar trend 30.8% of the respondents expressed that the term for imprisonment for accessing a work of copyright without the owner's consent and against the law has been increased, 62.7% were neither in support nor against this statement, however 6.5% felt contrarily. A good number of the respondents (51.4%) affirmed that under the CA 2022, a copyright owner can make a notice to a company that provides access to the internet (that is Internet Service Providers such as Spectranet, Tizeti, Cobranet etc) to take down access to their work shared online without his permission, 39.5% were equivocal, although 9.1% thought differently.

It was further reported in this result that 59% of the respondents affirmed that in alignment with the provisions of the CA 2022, an account that refuses to take down a work of copyright shared online without the permission of the copyright owner will be suspended, 34.6% were uncertain in response, meanwhile 6.4% did not bide this idea. Lastly 51.9% of the respondents concurred with the perception that the NCC has been given new powers to protect the right of copyright owners, 45.4% were not specific in response, however 2.7% refuted.

In the average summary, it was observed that this section was also met with a high level of indecision, which can be attributed to the little knowledge on the provisions of the CA 2022. Furthermore, it is justified that a number of copyright owners had affirmed the effectiveness of the CA 2022 and its relevance in safeguarding their ownership rights.

Discussion

The first goal of the study is to examine the level of awareness, knowledge and perception of the copyright owners of the CA 2022, and the study found that a reasonable number of the copyright owners are acquainted with the concept of copyright and copyright ownership in Nigeria. This shows that copyright owners have a good knowledge of copyright and ownership. This finding aligns with the study conducted by Tella and Oyeyemi,²⁹ where it

Table 4 — Chi square summary on statement regarding the effectiveness of the Nigerian Copyright Act 2022 in addressing the current copyright ownership challenges

Items		Responses					Total
		SA	A	UN	D	SD	
The Copyright Act 2022 adequately addresses the issue of piracy	F	20	73	86	4	2	185
	%	10.7	39.5	46.5	2.2	1.1	100.0
A person, who assists or makes it possible for another person to do an act which would lead to access to a work of copyright without the copyright owner's permission, would be punished as the person who directly committed the offence	F	30	84	55	11	5	185
	%	16.3	45.4	29.7	5.9	2.7	100.0
The owner of a property can be punished for allowing a person to reproduce a work of copyright on their premises	F	13	38	75	48	11	185
	%	7.1	20.5	40.6	25.9	5.9	100.0
The monetary fine for accessing a work of copyright without the owner's consent and against the law has been increased	F	10	54	115	2	4	185
	%	5.4	29.1	62.2	1.1	2.2	100.0
The term for imprisonment for accessing a work of copyright without the owner's consent and against the law has been increased	F	12	45	116	10	2	185
	%	6.5	24.3	62.7	5.4	1.1	100.0
A copyright owner can make a notice to a company that provides access to the internet (that is Internet Service Providers e.g Spectranet, Tizeti, Cobranet etc) to take down access to copyrighted work shared online without permission	F	26	69	73	12	5	185
	%	14.1	37.3	39.5	6.5	2.6	100.0
An account that refuses to take down a work of copyright shared online without the permission of the copyright owner will be suspended	F	31	78	64	10	2	185
	%	16.8	42.2	34.6	5.3	1.1	100.0
The Nigerian Copyright Commission has been given new powers to protect the right of copyright owners	F	22	74	84	3	2	185
	%	11.9	40.0	45.4	1.6	1.1	100.0
Averaged Total	F	21	65	84	11	4	185
	%	11.4	35.1	45.4	5.9	2.2	100.0
Chi Square	X ²	131.622					
	Df	4					
	P	<.05					

was revealed that the knowledge of the concept of copyright was prevalent among the selected population of the study. Similarly, in the study conducted by Aina-Pelemo and Akpojaro,³⁰ the prevalence of the knowledge of the concept of copyright among selected individuals in Nigeria was further established. In contrast with this finding, Igudia and Hamzat found that among the studied population in Nigeria, there was insufficient knowledge of the concept of copyright and the issues relating to copyright.³¹

Regarding awareness, knowledge and perception of the Nigerian CA 2022, the study revealed insufficient or little knowledge despite the relatively high knowledge of the concept of copyright/ownership. This finding is corroborated by the opinion of Dr. (Mrs) Olubiyi Ifeoluwa,³² an expert in this field, who noted that the level of awareness on the CA 2022 is sufficiently low and this might not be attributed to the recent introduction of the Act into Nigeria, a gap for further study. In addition, the study showed that the few copyright owners who are knowledgeable of the CA 2022 are positively disposed towards the Act.

This finding was further highlighted by Mrs Lynda Alphaeus,³³ an expert in this study who opined that the few copyright owners who are knowledgeable of the CA 2022 greatly appreciate its introduction because it provides among others, for copyright protection in the digital space which was non-existent in the CA 2004.

The second goal of the study is to examine factors that necessitated the enactment of the CA 2022 and distinguish it significant from the CA 2004. The study found that very few copyright owners were aware of the CA 2022. While, among the few copyright owners who are well versed with the CA 2022 identified factors that necessitated the enactment of the CA 2022 as the lack of digital protection of copyrighted works, inadequate provisions on the right of copyright owners, prevalence of copyright infringement, inadequate provisions on the exceptions of copyright and lack of inclusion for disabled persons to access a work of copyright. This shows the antiquated state of the CA 2004. These findings are in line with the study conducted by Oluwasemilore³⁴ who discovered that the structure provided by the CA 2004 was below the

required standard for copyright protection in this current age, and this attributed to the prolonged existence of the CA 2004 which was last revised in 1999. According to Oluwasemilore, this factor persuaded the NCC alongside stakeholders in the Nigerian Copyright administration to revisit the CA 2004, and that birth the enactment of the CA 2022.

Furthermore, this study revealed the CA 2022 to effectively address current copyright challenges neglected by the CA 2004, by the existence of robust digital protection for copyright, evident provisions for the exception to copyright control, stricter penalties to effectively deter copyright infringers. This finding is in conformity with the study conducted by Uju and others who discovered that the CA 2022, among other novel provisions introduced a provision which has significantly altered the protection of copyright in Nigeria immensely.³⁵ This introduces the protection of digital copies of a work of copyright. Thus, all forms of copyright protection accorded to written copies of a work would automatically be attributed to copies contained in the digital space [6]. This contribution by Uju and others was further corroborated by Alphaeus, who opined that due to globalization, works of copyright can now be easily transmissible and where they are displayed on the digital space, the CA 2022 provides equal protection to them as it would to a written physical work of copyright.

According to Alphaeus, an essential aspect of the CA 2022 is that it promotes access to copyrighted works alongside social inclusion. A specific provision which relates to this is the CA 2022 providing access to copyrighted works for blind or visually-impaired persons. That is, works of copyright can now be transferred by authorized persons into a form that can be comprehended by blind or visually-impaired persons.⁶ This specific provision which applies to blind or visually-impaired persons is in tandem with the Marrakesh Treaty which advocates for the transmission of copyrighted works into forms that can be understood by disabled persons.³⁶ This study found that the CA 2022 does not merely promote access to works of copyright but enhances the protection of works of copyright. In line with this finding, the study conducted by Udeoji¹⁶ showed that the CA 2022 incorporates stiffer repercussions for copyright infringement by applying the United States four-factor test of fair dealing as opposed to the previous CA 2004 that is void of that, and gives less sanction for infringers.¹⁶

The third goal is to examine the effectiveness of the CA 2022 in addressing the current challenges faced by copyright ownership. This study found that the CA 2022 has been effective in addressing the current copyright ownership challenges by providing copyright owners with novel approaches in protecting their ownership rights despite the low level of awareness of the CA 2022 by the studied copyright owners. The novel provisions included but are not limited to take down procedures for an infringing material which has been disseminated digitally⁶, establishing liability on a property owner who permits infringement on his property⁶, providing additional powers to the NCC for the protection of copyright among others.

In terms of comparability, there is little or no study addressing the effectiveness of the CA 2022 as it is recently enacted.³⁷ However, the findings of this study align with the expert opinion given by Alphaeus. According to Alphaeus on the effectiveness of the CA 2022, she opined that among other forms of effectiveness, in relation to an infringing digital copy, a copyright owner presently has the liberty to converse with an internet service provider to ensure the take down of an infringing material and further ensure that such a material does not resurface.⁶ By virtue of her position as the Director of the Lagos Office for the NCC, she further noted that the capacity of the NCC has not only been enhanced, but the Commission empowered to block any website which contains an infringing material.⁶

Conclusion

The findings of this study revealed that copyright owners are significantly aware of the concept of copyright and its ownership. However, it was revealed that significant number of copyright owners are neither aware nor knowledgeable of the progress in the copyright administration in Nigeria, that is, the enactment of the CA 2022. Despite this, it was discovered that the few copyright owners who are aware and knowledgeable of the CA 2022 greatly appreciate its existence.

The study found that the enactment of the CA 2022 was not a mere administrative gesture. Rather, an establishment that there are several factors which culminated to the enactment of the Act, and these factors can summarily be identified as those which generally highlight the inability of the CA 2004 to meet the current demand for copyright protection by copyright owners. This novel study addresses the

fundamental lacunas identified in the CA 2004, they include, but are not limited to provisions for digital works of copyright, promotion of access to copyrighted works by the public, increased acts and sanctions in relation to copyright infringement, social inclusion for disabled persons, increased powers for the NCC.

The implication of these results or findings to policy makers is that much more needs to be done beyond the enactment of legal provisions to promote creativity, and the copyright holders or owners need to seek knowledge in protecting their creative works in order to exclusively reap the fruit of their works, and the Nigerian creative sectors and other related stakeholders are to adopt viable medium to sensitise and inform the general public of the welfare provided by government for their benefits.

Based on the findings of this study, the following recommendations are suggested:

Adequate awareness and education on the introduction of the CA 2022 and its value to copyright owners and the general public: the enactment of the CA 2022 is to the effect that it provides copyright owners with adequate and effective protection of their ownership right. However, where this right is unknown, the essence of the Act remains unaccomplished.

The Federal Government of Nigeria, through the NCC alongside stakeholders conduct massive outreaches or awareness campaign through capacity initiative building to create awareness of the existence and provisions contained in the CA 2022.

Effective implementation of the CA 2022: true change cannot be found in creation of a law, but rather in its implementation and compliance. The Nigeria Copyright administration has truly witnessed a new dawn, however, this new dawn would only be on paper when the written laws have been put into effect. Nonetheless, the immediate enforcement of the new enactment is of utmost importance in order for the copyright regime to take a new turn that has caught up with the current pace of the world in relation to copyright protection.

Empowering the NCC with Technical know-how: section 61 of the Copyright Act 2022 introduces a novel provision which empowers the NCC with the authority to block or disable access to a link, content or website which contains infringing content without the permission of the website owner. As stated earlier, this provision is a novel provision, thus for it to be properly implemented, the NCC must either be

educated on the procedure needed to achieve this or technical experts be recruited in order to ensure that links, content or websites that infringes any copyright are successfully blocked or disabled.

Collaboration by the NCC with stakeholders and governmental agencies: although the primary body which regulates copyright in Nigeria is the NCC, there exists several secondary bodies and governmental agencies saddled with the responsibility of regulating the works protected under copyright. Among these include the National Broadcasting Commission, Copyright Society of Nigeria (COSON), Musical Copyright Society of Nigeria (MCSN), Audio Visual Rights Society of Nigeria (AVRSN). In order to achieve a wholesome implementation and compliance with the provisions of the CA 2022, it is essential that the bodies, agencies alongside stakeholders work together. The bulk of the work should not be reserved for the NCC, rather all agencies must put equal effort in ensuring the CA 2022 is strictly adhered to.

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