

10 Recurring Myths about Copyright Protection in Nigeria

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Copyright myths travel and are often retold in ways that people believe they are true. If you follow the intellectual property ‘scene’ in Nigeria, you would no doubt have heard one of these myths with regards to the use and protection of works.

Myth No. 1. You can use characters from other writer’s work as long as your story is original.

So not true! Notwithstanding your originality, Nigeria’s Copyright law is quite explicit with regard to adaptation and derivative works i.e. works based or derived from another copyrighted work. The law provides that the owner of the original work has the exclusive right to control the use of their characters. So even if the making of your new work is a highly creative process but you chose to write a story using settings or characters from somebody else’s work, you need the copyright owner’s permission.

For example, if you want to publish a story about the characters “Olanna and Kainene” from the book *Half of a Yellow Sun*, you would need permission from Chimamanda Adichie. One major exception to this is in cases of criticism, parody, pastiche, or caricature. In such cases, the fair use provision says that if you want to make fun of something, you do not have to obtain the author’s permission in order to do so.

Relevant provisions: [Section 6 of the Copyright Act](#) and [Second Schedule of the Copyright Act-Exceptions from Copyright Control](#)

Myth No. 2. To obtain copyright on my own work, I have to register it with the Nigerian Copyright Commission.

Not true! There is no requirement to register a work in order to receive copyright protection in Nigeria. As soon as an original work is reduced to a fixed form, the work is automatically copyrightable in Nigeria. However the Nigerian Copyright Commission (NCC), through the

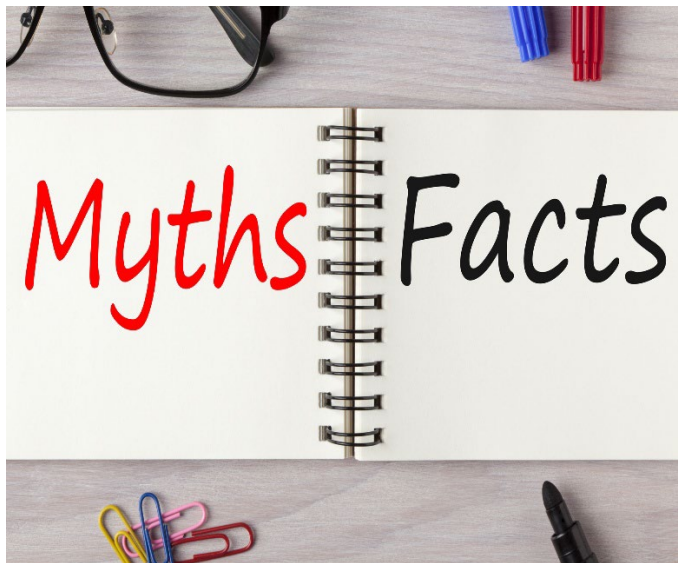
[Nigerian Copyright e-Registration System \(NeCRS\)](#), provides copyright owners the option to register their work and deposit a copy with the NCC, which serves as public notification of the work.

Myth No. 3. If your work does not have a copyright notice or symbol ©, there is no copyright protection.

This is not true. While a copyright notice warns people about your protection, you do not have to put a formal copyright notice or symbol on your work for it to be protected. Under Nigeria law, once a work is original and has been fixed into any definite medium of expression, it is protected. Copyright notices are typically displayed as: Copyright [date] by [author/owner].

Relevant provisions: [Section 1\(2\) of the Copyright Act](#)

Myth No. 4. Copyright does not protect architecture.



Not true. Under Nigeria's copyright law, copyright in a work of architecture exists and it includes the exclusive right to control the erection of any building which reproduces the whole or a substantial part of the work either in its original form or any form recognisably derived from the original. It does not however include the right to control the reconstruction in the same style as the original of a building to which the copyright relates.

Relevant provisions: [Section 6\(3\) of the Copyright Act](#)

Myth No. 5. Everything on the Internet is free to use because it is in the public domain.

Not true. Subject to certain exceptions, the owner of a copyright enjoys the exclusive rights to reproduce, distribute and display a work. Without the consent of the copyright owner, it is copyright infringement to publish or distribute the work on the Internet.

Relevant provisions: [Section 6 of the Copyright Act](#)

Myth No. 6. Copyright violation is not a crime.

Actually, it is a criminal violation. Under the Copyright Act, if a person is convicted by the Federal High Court for the sale, possession or distribution of copyrighted material for purposes of trade or business, he or she is liable to a fine of ₦100 for every copy of the infringing work and/or to a term of imprisonment not exceeding two years. Also, if a person is convicted for the unauthorized rental, lease, hire or loan of copyrighted material to the public for commercial purposes, he or she is liable to a fine of ₦100 for every copy dealt with and/or imprisonment for six months.

Relevant provisions: [Section 20 of the Copyright Act](#)

Myth No. 7. You can copyright the name of your band or a song or movie title.

Not true. While copyright in Nigeria protects original works, be it literary, musical or artistic works, names including band names, movie and song titles, and other short phrases are not subject to copyright protection. They may however find protection in other forms of intellectual property e.g. trademarks.

Myth No. 8. A work has to be published in order to receive copyright protection.

Publication is not necessary for copyright protection. All you need to do is create an original work and fix it into any definite medium of expression.

Relevant provisions: [Section 1\(2\) of the Copyright Act](#)

Myth No. 9. An advertising agency can freely use copyrighted music in their adverts without authorisation, permission or license.

Not only is this not legal in Nigeria but it is often referred to by many advertisers as the “nine seconds rule”. There is no nine seconds rule under Nigerian law. There are no portions, few lines of a piece of text or safe percentages of a copyrighted work that can be used without first obtaining permission from the copyright owner. Doing so amounts to copyright infringement in Nigeria.

Myth No. 10. Copyright can protect my ideas.

This is not true and is a very common myth. Copyright does not protect ideas, concepts, systems, or methods of doing something. Even though you express your ideas in writing or drawings and claim copyright in your description, copyright protection does not extend to the ideas itself as revealed in your written or artistic work.

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