

Copyright Laws for Creators of Music Videos

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November 5, 2016 — In today’s world, creating and sharing music videos has never been easier. Virtually anyone with a phone or camera, a voice, and access to YouTube or Vimeo can create and post a video in a matter of seconds. Granted, it may not be of “professional quality” but many viral videos from YouTube were created using simple devices such as phone cameras. With viral videos racking in around eight billion views per day on Facebook it is crucial for creators of music videos to have an understanding of Intellectual Property laws especially copyright protection. Below are a few things you should know.

Registration

After creating your music video, if you believe it to be of value and likely to be copied, it may be a good idea for you to register your final work as a sound recording or musical work with the Nigerian Copyright Commission. Although Nigerian law does not require such registration for copyright protection, the registration process is fairly easy and relatively inexpensive.

Video Shoot Location

“*Location, Location, Location,*” it’s the real estate agent’s mantra and it comes into play here because many believe that the location of the video may in certain cases increase its potential to be successful. As a creator of a music video, you may chose to shoot the video in a public or private place. If you decide to go with a public video shoot (e.g at a public event, street or park), you have the right to do so but you must always remember that your subjects also have privacy rights. If you choose to shoot the video at a private location (e.g. at someone’s home or at a business location) you must ensure that you have previously obtained a release in writing.

Copyright Infringement

Copyright infringement occurs when a person uses work that is protected by copyright laws without the creator or authors permission. Under Nigerian Law, you may be sued for copyright infringement once you use works protected by copyright and if you’re found liable, you may be liable for damages.

Fair Use

Nigerian law allows for a limited use of copyright material without acquiring the permission from the copyright holder. For example, in cases where the use is for non-commercial, educational, research purposes, review or criticism, and reporting current events.

Photo Releases, Stills, Images and Video Clips

While it may be an extract step that may even delay your publication of your video, it is crucial that you obtain a signed photo release from anyone appearing on camera in your video. To avoid delays, you should obtain the signed release prior to shooting the video. The release form will protect you against legal issues and gives you permission to use the video of the person for commercial and non-commercial purposes.

If your video shoot takes place in a public location, you may not need to obtain releases particularly if you do not focus on persons appearing in the video. Additionally, if you use stills, images, video clips or photos in your video, ensure that you are either the creator or author or have permission to use them.

Copyright Notice

It is always a good idea to place a copyright notice on at the beginning and or at the end of your video. For example, © NLIPW 2016. The idea is to give notice to the public that you own your video.

Duration of a Copyright

Copyright in musical works lasts until 70 years after the end of the year in which the creator dies; in the case of a government or a body corporate, seventy years after the end of the year in which the work was first published. Copyright in films lasts 50 years after the end of the year in which the work was first published. Copyright in sound recording lasts 50 years after the recording was first published.

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