

Federal High Court Slams Pirate with One Year Sentence

April 30, 2017 | by Ufuoma Akpotaire

A Federal High Court sitting in Lagos has sentenced an accused pirate, one Mr. Chikweksiri Chukwuamaka Josephat, to one year imprisonment for Copyright Infringement with an option of fine. The case, Charge No. FHC/L/409C/2015, NCC v. Chikweksiri Chukwuamaka Josephat, which was presided over by Honorable Justice Buba filed by the Nigerian Copyright Commission on October 7, 2015.

The two count charges were (1) Offering for sale and (2) Being in possession of seven hundred and twenty seven infringing copies of literary works.

The option of fine reads on both counts at hundred naira per copy totaling a bulk sum of seventy two thousand seven hundred naira per count.

Delivering his judgement on March 31, 2017, Justice Buba found the accused guilty of the charges against him. According to the Judge, the accused did not present any reasonable defence against the allegations made against him while the prosecution has proved its case beyond all reasonable doubts.

Background of the case

The Nigerian Copyright Commission (NCC) had earlier on October 30, 2013 received a letter of petition from Pneuma Publishers Limited alleging that works of their authors, Pastor Sam Adeyemi and Pastor Sam Adelaja titled '*life and death are in the power of the tongue*'; '*ideas rule the world*' and '*success guaranteed by the blood*' amongst others were being pirated and sold around the streets of Ajegunle, Lagos State.

The allegations were investigated by the Commission. The Commission went ahead to make test purchases and upon verification of the allegation, an anti-piracy operation was carried out on January 24, 2013. The accused person was arrested while seven hundred and twenty seven infringing copies of literary works were seized from his business premises.

The Commission filed a two count charge of (1) Offering for sale and (2) Being in possession of infringing copies, against the accused on the October 7, 2015, the matter came up for first mention on the December 17, 2015.

On February 24, 2016, the accused was arraigned before Justice Buba of the Federal High Court Ikoyi on a two count charge. The accused pleaded not guilty to contravening the provisions of sections 20(2) (c) CAP 28 of the Copyright Act 2004 which are offering for sale and being in possession of the infringing copies of the literary works of the named authors.

The trial commenced March 1, 2016 and ended on February 16, 2017. Prosecution presented three (3) witnesses which comprised of the investigating officer, representative of Pneuma Publishers Limited, and a representative of Sam Adelaja.

Prosecution also tendered all the required exhibits namely seven hundred and twenty seven copies of the infringing literary works belonging to Pastor Sam Adeyemi and Pastor Sam Adelaja, an inventory form, accused person's statement and the petition letter from Pneuma Publishers Ltd.

In his defence, the accused testified for himself, cross examined the prosecution witnesses but did not call any other witness. Final addresses were filed by both parties and the case was adjourned to March 31, 2017 for judgement.

The Judge subsequently sentenced the accused Mr. Chikweksiri Chukwuamaka Josephat to one year imprisonment with an option of fine.

This article was published on Nigerian Law Intellectual Property Watch (NLIPW), now Nooktoria Legal Resource.