

Embracing ‘the Option’: Nigerian Copyright Commission’s Copyright Notification Scheme by *Ufuoma Akpotaire*

November 6, 2013



November 6, 2013 — Copyright registration is not required in Nigeria. As soon as an original work is reduced to a fixed and tangible form, the work is automatically protected by copyright laws in Nigeria. But for a fee, the Nigerian Copyright Commission (NCC) through the Copyright Notification Scheme provides copyright owners the option to register their work and deposit a copy of the work in a database maintained by the NCC. This registration is a mere formality but its importance lies in the fact that it serves as public notification of the existence of the work.

In putting together the documents for submission to the NCC, you may wish to consider some of the questions listed below:

1. What is the nature or category of the work?

The category you select must apply to your work as it exists at the time of submission. Categories include literary, musical and artistic works, cinematographic films, sound recording and computer programs. For example, if you have written a song, you can register the lyrics under the literary works category but if the song is in the form of musical composition, you can register it under the musical works category.

2. What is the title/alternative title of the work?

You must provide some form of title for the work. For example, if you are making a movie within the film industry in Nigeria, you could say “Making movies in Nigeria, a documentary”. However, if the work is unpublished, a simple title “Untitled.” Again, where the work is part of an unpublished collection, in submitting the work to the NCC, you should provide the collection title.

3. Who is the author of the work?

You should list the full names, addresses, date of birth and nationality of all writers. In addition, you should provide a description of what each writer contributed to the work. If there is only one author, you should state so.

4. Did the writers create the script for themselves, their employer or was the work assigned or transferred?

This is crucial in determining who owns copyright in the work. If the work was made for hire or created by an employee as part of his/her regular duties, then the employer is considered the author and not the employee who created the authorship. Also state if the work was previously assigned or transferred.

5. What year was the work created or published?

You should provide the year the work was created and/or published. The year of publication is important for photographs, films and sound recording as it provides information about how many more years copyright in the photographs, films and sound recording will last. A work is created when it is in a fixed and tangible form.

6. If the work is a script, has it been previously published, is it an original or is it based on a book?

You must state if the work has been previously published. You need to also state the date of publication and where it was published. Confirm whether or not the work is an original or if it is based on a book.

7. Name and Contact Information of the Applicant.

Finally, you must provide the name and address of the individual (or company) that seeks to register the work with the NCC. The NCC does not require that the applicant must be the author or the owner of the work. The Applicant could be an author, assignee, agent or the copyright owner.

This article was published on Nigerian Law Intellectual Property Watch (NLIPW), now Nooktoria Legal Resource. The article is intended to provide general information about the subject matter. Professional legal advice should be sought about specific circumstances.