

## Performers Rights, Music Piracy and Succession to Copyright



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#### **Content Sources:**

1. The Law Firm of Olisa Agbakoba & Associates (OA&A)
2. Social Science Research Network (SSRN)
3. Academia.edu and SSRN
4. International Journal of Cyber Criminology (IJCC)

#### **Enhancing and Enforcing Performing Rights as Copyright by Dr. Olisa Agbakoba SAN. Presented at the National Seminar on Performing and Mechanical Rights**

Presented at the National Seminar on Performing and Mechanical Rights, this paper examines the problem of ownership and enforcement of performance rights in Nigeria. Part I briefly highlights the effect of Section 23 of the Copyright Act as a mechanism for the protection of performing rights. Part II discusses the judicial enforcement of performers' rights and looks at the provisions of Sections 15 and 22 of the Copyright Act. The paper also looks at Anton Piller Orders and provides a snapshot of applicable legislation and international instruments on copyright.

#### **Performers' Rights Under the Nigerian Copyright Act: An Appraisal of the Rome Convention by Ayoyemi Lawal Arowolo, November 20, 2009**

This paper explores the protection of performers' rights under the Nigerian Copyright Act and International Conventions. It begins by tracing Nigeria's history as it relates to the development of performers' rights. The paper looks at the inclusion of performers' rights in

the country's domestic laws, the fact that Nigeria is a party to the Rome Convention that provides for the protection of related rights and some of the gaps in the laws regarding these rights. The paper notes that the need for a broader system of protection has become imminent due to the rapid development of technology, the growing entertainment industry in Nigeria and the volume of unprotected performances based on expressions of folklore. The paper recommends the implementation of the Rome Convention and the ratification of other treaties on performers' rights.

**'We are Promoters not Pirates': A Qualitative Analysis of Artistes and Pirates on Music Piracy in Nigeria by Oludayo Tade and Babatunde Akinleye, International Journal of Cyber Criminology (IJCC), July – December 2012, Vol 6 (2): 1014–1029**

This research was conducted between July and December 2012 and provides information on music piracy in Nigeria from the perspectives of pirates, musicians and producers. The Alaba International Market, Lagos, which has acquired a reputation as the hub of pirated products in Nigeria, was the focus area of the research. Data was collected using focus group interviews. The authors found that the process of pirating IP materials involves several steps including sourcing for hit songs and latest releases, classifying music into different genres, designing of packs and marketing. According to the authors, the research showed that due to the high cost of production, pirates provide upcoming artists with much needed publicity and that pirates and upcoming artistes enjoy a symbiotic relationship. The authors note that pirates use their network, which includes disc jockeys (DJs), and radio and television presenters to promote high profile artistes and as such they have made themselves vital in the music industry. The research also found that pirates do not see themselves as criminals but as legitimate marketers and promoters that allow upcoming artists survive in an already saturated and competitive market. From the perspectives of musicians, the research showed that they perceived pirates as criminals, although they acknowledged having enjoyed their 'support' and assistance as upcoming artists. The research concludes that despite the negative effects of music piracy, both upcoming and popular artists admitted that music pirates provide fame for a large number of artists.

**Succession to Copyright Ownership under the Nigerian Laws by Aminu Adamu Bello, April 11, 2008 Islamic Law and Law of the Muslim World Paper No. 08-22**

This paper examines copyright ownership and succession laws in Nigeria. The paper begins with an introduction to copyright protection in Nigeria and discusses ethnic non-moslem customary law succession. The paper further examines moslem (sharia) customary law

succession and some of the possible approaches courts in Nigeria may adopt when dealing with the issue of intestate succession to copyright. Due to the fact that nothing in the Copyright Act precludes succession to copyright under any of the many customary laws in Nigeria, the paper concludes that the Act allows for recourse to customary law.

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