

Protecting Intellectual Property in TV Show Formats in Nigeria

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Recently, NLIPW Newsroom Editors sat down with Ms. Ufuoma Akpotaire, our Senior Editor and Director of Regulatory Policies at NLIPW, to talk about TV Show Formats and the Protection they may enjoy in Nigeria. Below is an excerpt of the Interview.

What Exactly are TV Show Formats?

TV Formats include game shows or competitions such as “Who Wants to be a Millionaire”, talent shows such as “American Idol”, “The Voice”, “X Factor”, “Top Chef”, and reality shows such as “The Apprentice”, “The Real Housewives”, and “Big Brother” etc.

What Can be Protected?

Many copyright experts assert that the jingles, scripts, tunes and storyboards from TV Show Formats may be protected by copyright, while catchphrases and slogans may be protected by trademark registration or by an action for passing off. Arguments have been put forward showing that in game show for example, the questions asked, set design, certain scripted lines that are used repetitively as part of the show, and the technology utilized for lighting, viewing the questions etc., may potentially be protected by copyright. Others argue that such arguments are a far cry from what copyright protection is all about.

How Have Format Rights Cases Been Decided in Nigeria? What are the Courts Saying?

Format rights have not been statutorily recognized in Nigeria. The current Nigerian laws are untested over the issue of format protection. In practice, many creators of original TV Formats are currently seeking protection using copyright and trademark registration.

Any advise for Creators of TV Show Formats?

Due to the fact that this area is untested by the Courts, the next best thing is to seek protection through copyright and trademark Registration. Since copyright only protects the expression of an idea and not the idea itself, I encourage creators of TV Formats in Nigeria to remember to record the exact details of the format on paper. They can take it a step further and register the document with the Nigerian Copyright Commission through the Nigerian Copyright e-Registration System (NcERS), as a literary work. Next, creators should

take advantage of the protection afforded from registration in Nigeria and register titles of their TV formats with the Trademarks Registry in Abuja.

This article is intended to provide general information about the subject matter.

Professional legal advice should be sought about specific circumstances.