

## Update: Trial Continues in Copyright Infringement Suit against Lagos Oriental Hotel

May 31, 2017 | Bob Aroture

On Monday, May 22, trial continued in the copyright infringement suit brought by Copyright Society of Nigeria (COSON) against *Lagos Oriental Hotel* and Mr. Philip Spielhage, General Manager of the organization.

The case (Suit No. FHC/L/CS/1091/15), which is before Justice Babs O. Kuewumi of the Federal High Court, Lagos was **filed in July of 2015**.

COSON is asking for the award of more than five hundred million naira in unpaid royalties and damages for the unauthorized copying, communication to the public, failure to obtain permission to perform in public, and infringement of the copyright in the musical works and sound recordings belonging to COSON members, affiliates and assignors.

**According to COSON**, its Chairman of the Board, Chief Tony Okoroji, took the witness stand once again. Upon request by opposing counsel, he stated his expertise on copyright and copyright-related matters.

“Asked by Mr. Durojaiye Mufuuta, lawyer to Lagos Oriental Hotel, whether he is an expert on Copyright, Chief Okoroji told the court that he has both a Diploma in Business and Industrial Law and an Advanced Diploma in Commercial Law & Practice in which Copyright is a key course of study. He also explained that he is the author of the book, ‘Copyright, Neighbouring Rights & the New Millionaires’, an important text book in the teaching of copyright across the continent. He further told the court that he has acted as consultant on copyright to several international organizations and was twice a member of the board of the Nigerian Copyright Commission (NCC). Finally, he told the court that he was a member of the committee that drafted the Nigerian Copyright Act.

Chief Okoroji was emphatic that by deploying the music of innocent citizens to entertain its guests and make profit for itself without any license or authorization, Lagos Oriental Hotel was infringing the intellectual property rights of those citizens. Chief Okoroji also told the court that the fact that Lagos Oriental Hotel may have paid subscription to Multichoice/DSTV for the music signals received in the rooms of the hotel, did not absolve the hotel of liability as the hotel was not only communicating the music to its public but was rebroadcasting the signals.

Asked what the situation would be if a Disk Jockey was responsible for playing the music in the hotel, Chief Okoroji testified that if the Disk Jockey has a COSON licence, he would be

‘inoculated’ from a COSON court action but that the DJ’s licence will not inoculate the hotel.”

The case was thereafter adjourned to Wednesday, October 4, 2017 for continuation of trial.

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