

An Analysis of the Role of Nigerian Copyright Commission as a Designated Relevant Organisation under the Proceeds of Crime Act, 2022

Uche Darlington Okeke●
Chukwubuikem I. Obianyo**
Solomon Vendaga Ater, ***

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Abstract: *This study investigated the nexus between copyright offences and criminal proceeds in Nigeria. It focused on the expanding role of the Nigerian Copyright Commission (NCC) as a designated Relevant Organisation (RO) under the Proceeds of Crime (Designation of Nigerian Copyright Commission as a Relevant Organisation) Order, 2025. The Order is made pursuant to section 81 of the Proceeds of Crime (Recovery and Management) Act, 2022 (POCA). The study highlighted the growing prevalence of copyright infringements. The highlight includes their significant economic implications, particularly in the digital era where such offences can presumably be linked to organised crime and money laundering. The objective was to examine how NCC's powers have evolved from traditional civil enforcement to include criminal prosecution and asset recovery within Nigeria's broader anti-money laundering framework. The research found that copyright offences, while not explicitly listed as predicate offences under anti-money laundering laws, are effectively treated as such due to their association with illicit financial gains. It further found that the designation of NCC under POCA is to enhance enforcement capabilities. This will empower NCC to conduct asset tracing, seizure, and management connected to copyright violations. The study recommended strengthening institutional collaboration between NCC and financial intelligence agencies, improving legal frameworks to explicitly include copyright offences as predicate crimes, and enhancing capacity-building for effective enforcement. In conclusion, NCC's integrated enforcement role is pivotal in disrupting the economic benefits of copyright crime and advancing Nigeria's fight against organised economic offences.*

Keywords: copyright offences, proceeds of crime, Nigerian copyright commission (NCC), asset recovery, piracy, intellectual property.

●Okeke, Uche Darlington, BSc, LL. B (London), BL, LL.M, a PhD research candidate. Tel +234(0)8033953611.
Email: princeuchedarlington@gmail.com

**Chukwubuikem I. Obianyo, PhD Research Candidate, Law Lecturer at University on the Niger.
Chukwubuikem.obianyo@uniniger.edu.ng, +234(0)7039319179

***ATER, Solomon Vendaga, LL. B (Abuja), Research and Programs Associate, Sabilaw Foundation.
soloater12@gmail.com. Tel: +234(0)7045965859.

INTRODUCTION

Today, the protection of intellectual property, particularly copyright, has become increasingly critical not only as a matter of civil enforcement but also as a significant aspect of criminal justice and economic governance.¹ In Nigeria, the persistent rise in copyright offences, ranging from the unauthorised reproduction of literary and artistic works to large-scale digital piracy, has exposed deep vulnerabilities in the country's intellectual property enforcement landscape.² These violations are not merely infractions against creative expression; they are often highly organised and profit-driven,³ generating substantial illicit income and feeding into broader criminal economies.

Against this backdrop, there is the need for the examination of the nexus between copyright offences and criminal proceeds. Thus, copyright offences when committed at scale frequently can presumably meet the threshold of predicate offences under anti-money laundering (AML) frameworks, thereby implicating the proceeds in money laundering and other economic crimes.⁴ This intersection calls for a multidisciplinary enforcement strategy that goes beyond traditional copyright litigation to include criminal prosecution, asset forfeiture, and financial intelligence.

In response to this, Nigerian law has adapted to address the economic consequences of such offences. The Proceeds of Crime (Designation of Nigerian Copyright Commission as a Relevant Organisation) Order, 2025 made pursuant to section 81 of the Proceeds of Crime (Recovery and Management) Act, 2022 (POCA) represents a crucial step forward in this regard. This legislation designates NCC as a relevant organisation under POCA. This provides a comprehensive framework for tracing, seizing, and managing assets linked to criminal activity, and has expanded the scope of what constitutes illicit wealth. While copyright offences are not explicitly listed as predicate crimes under anti-money laundering laws, the nature of these violations, which often involve significant financial gain, means that they are increasingly seen as part of the wider landscape of economic crime.

Thus, at the heart of this evolving legal framework is NCC, the agency tasked with overseeing the protection and enforcement of copyright law in Nigeria. Traditionally, NCC's role has focused on civil enforcement, but with the growing recognition of copyright violations as a source of illicit

¹ Templars Law, 'The Challenges of Protecting Intellectual Property Rights in Nigeria in the Age of Social Media' (Templars Law, 2023) <https://www.templars-law.com/app/uploads/2023/05/03052023-THE-CHALLENGES-OF-PROTECTING-INTELLECTUAL-PROPERTY-RIGHTS-IN-NIGERIA_.pdf> accessed 14th May 2025.

² Agency Report, 'Copyright Commission Seizes Pirated Books Worth N20m in Lagos' Punch (1 November 2024) <<https://punchng.com/copyright-commission-seizes-pirated-books-worth-n20m-in-lagos/>> accessed 14th May 2025.

³ Kasim Musa Waziri, 'Intellectual Property Piracy and Counterfeiting in Nigeria: The Impending Economic and Social Conundrum' (2011) 4(2) *Journal of Politics and Law*, 196-198.

⁴ Economic and Financial Crimes Commission, 'Copyright Commission Seeks EFCC's Support in Curbing Intellectual Property Fraud' (EFCC, 2024) <<https://www.efccnigeria.org/efcc/news-and-information/news-release/8664-copyright-commission-seeks-efcc-s-support-in-curbing-intellectual-property-fraud>> accessed 14th May 2025.

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financial gain, NCC's responsibilities have expanded.⁵ NCC now finds itself in a position to play a more direct role in tackling copyright-related economic crimes, particularly in the context of asset recovery and money laundering.

This article explores the link between copyright offences and criminal proceeds in Nigeria, with a specific focus on the role of NCC under both the Copyright Act, 2022 (CA) and POCA. It examines how NCC's powers have evolved in response to these new challenges, and the practical and legal implications of integrating copyright enforcement with the country's broader anti-money laundering and asset recovery efforts.

Conceptual Clarifications

Meaning of Copyright

Copyright is an intangible, incorporeal property that grants creators exclusive rights to their original works for a stipulated period.⁶ This legal protection encourages creativity by ensuring that authors can control and benefit from their intellectual efforts. In Nigeria, CA 2022 governs these rights, aligning with international standards to safeguard the interests of creators. It is a legal framework that grants creators of original works exclusive rights to use, reproduce, and distribute their creations. These rights are designed to protect the creator's intellectual property and to encourage the production of creative works by ensuring that creators can benefit from their efforts. On the definition of Copyright, CA simply put that copyright means 'copyright under this Act'.⁷ This definition does not help in any way. Not only that, the definition is imprecise, ambiguous and consequently begs the question of comprehensiveness, it then means that one has to go through the entire gamut of the provisions of the Act to be able to arrive at a precise meaning of the term copyright. This may be a herculean task. However, a painstaking x-ray of the relevant provisions of the Act⁸ offers the meaning of copyright as the exclusive right to do or authorise the doing of certain acts in relation, to the work in which the right subsists. According to the World Intellectual Property Organisation (WIPO), copyright is "a legal term used to describe the rights that creators have over their literary and artistic works."⁹

Black's Law Dictionary (8th edition) defines Copyright as follows:

The right of literary property as recognized and sanctioned by positive law. An intangible incorporeal right granted by statute to the

⁵ Nigerian Copyright Commission, 'Enforcement' (NCC) <<https://www.copyright.gov.ng/enforcement/>> accessed 14th May 2025.

⁶ Waziri (n 3)

⁷ Section 108(1) (e) Copyrights Act, 2022

⁸ Sections 6, 7 and 8

⁹ WIPO, "Copyright"

<<https://www.wipo.int/en/web/copyright#:~:text=Copyright%20%28or%20author%E2%80%99s%20right%29%20is%20a%20legal%20term.computer%20programs%2C%20databases%2C%20advertisements%2C%20maps%2C%20and%20technical%20drawings.>> accessed 14th May 2025

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author or originator of certain literary or artistic productions whereby he is vested for a limited period, with the sole and exclusive privilege of multiplying copies of the same and publishing and selling them.¹⁰

Our courts have also added it voice in the definition of Copyright. Thus, in *Adenuga v Ilesanmi Press and Sons (Nig) Ltd*¹¹ held that Copyright is the exclusive right to control, to do or authorise the doing of any of the acts restricted to the copyright owner.

From the definitions provided above, it should be noted that the scope of copyright is broad enough to cover different sorts of works, including books, novels, poems, maps, plans, music, sound recordings, movies, plays, photographs, paintings, sculpture, illustrations, architectural works, advertisements, and computer programs.¹² It is these innovations that CA was enacted to as a matter of objective protect the rights of authors to ensure just rewards and recognition for their intellectual efforts; provide appropriate limitations and exceptions to guarantee access to creative works; facilitate Nigeria's compliance with obligations arising from relevant international copyright treaties and conventions; and enhance the capacity of the Nigerian Copyright Commission for effective regulation, administration, and enforcement.¹³

Nature of Copyrights

Copyright is an unusual type of property right. The definitions of Copyright established above have proved that copyright is an “exclusionary or negative right”.¹⁴ The right to prevent others from doing without authorization, consent or permission what has under the eligible subject-matter of copyright exclusively been set aside for the author to do. The rights are that copyright in a literary or musical work shall be exclusive right to do and authorise the doing of any of the following acts¹⁵ —(a) reproduce the work; (b) publish the work; (c) perform the work in public; (d) produce, reproduce, perform or publish any translation of the work; (e) make any audio-visual work or a record in respect of the work; (f) distribute to the public, for commercial purposes, copies of the work, through sale or other transfer of ownership provided the work has not been subject to distribution authorised by the owner; (g) broadcast the work; (h) communicate the work to the public; (i) make the work available to the public by wire or wireless means in such a way that members of the public are able to access the work from a place and at a time independently chosen by them; (j) make any adaptation of the work; and (k) do in relation to a translation or an adaptation of the work, any of the acts specified in relation to the work specified under this section.

¹⁰ Bryan A Garner, *Black's Law Dictionary*, 8th edn. (West Publishers: New York) 361.

¹¹ [1991] 5 NWLR (Pt. 189)

¹² Section 2 Copyrights Act, 2022

¹³ *Ibid.*, s 1

¹⁴ This is because such rights restrict others from interfering with your life, liberty, and property

¹⁵ S. 9 Copyright Act, 2022

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By section 10(1) of the Act, copyright in an artistic work shall be the exclusive right to do and authorise the doing of any of the following acts —(a) reproduce the work; (b) publish the work; (c) include the work in an audio visual work; (d) broadcast the work; (e) communicate the work to the public; (f) make the work available to the public by wire or wireless means in such a way that members of the public are able to access the work from a place and at a time individually chosen by them; (g) make any adaptation of the work; and (h) do in relation to an adaptation of the work any of the acts specified in relation to the work under subsection (1)(a), (b) and (c).

Under section 11 copyright in an audio-visual work shall be the exclusive right to do and authorise the doing of any of the following acts —(a) reproduce the audio-visual work; (b) cause the audio-visual work that consists of visual images to be seen in public and of sounds to be heard in public; (c) communicate the audio-visual work to the public; (d) broadcast the audio-visual work; (e) make any copy of the sound track of an audio-visual work; (f) make the work available to the public by wire or wireless means in such a way that members of the public are able to access the work from a place and at a time independently chosen by them; (g) distribute to the public, for commercial purposes, copies of the work, through sale or other transfer of ownership provided the work has not been subject to distribution authorised by the owner; (h) make an adaptation of the audio-visual work; (i) make a translation of the audio-visual work or any part ; and (j) do in relation to a translation or an adaptation of the work, any of the acts specified in relation to the work under this section.

Section 12 copyright in a sound recording shall be the exclusive right to do and authorise the doing of any of the following act —(a) reproduce the sound recording; (b) broadcast the sound recording; (c) communicate the sound recording to the public; (d) make the sound recording available to the public by wire or wireless means in such a way that members of the public are able to access the sound recording from a place and at a time independently chosen by them; (e) distribute to the public for commercial purposes, copies of the sound recording, either by way of rental, lease, hire, loan or similar arrangement; or (f) distribute to the public, for commercial purposes, copies of the work, through sale or other transfer of ownership provided the work has not been subject to distribution authorised by the owner.

Section 13(1) copyright in a broadcast shall be the exclusive right to do and authorise the doing of any of the following acts —(a) rebroadcasting of the broadcast; (b) communication to the public of the broadcast; (c) making the broadcast available to the public by wire or wireless means in such a way that members of the public are able to access the work from a place and at a time independently chosen by them; (d) fixation of the broadcast; (e) reproduction of a fixation of the broadcast; (f) adaptation of a fixation of the broadcast ; or (g) distribution of a fixation of the broadcast or copies for commercial purposes by way of rental, lease, hire, loan or similar arrangement.

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Asien¹⁶ opines that copyright is also a property right with a touch of personal right. This means that copyright owners possess other forms of rights not limited to the ones mentioned above such as economic rights, and moral rights- reserved just for the author of the work and his estate, rather than the owner of the copyright in the work. The moral right should be protected as it represents the personality of the author. As a property, it possesses the features of a movable property. It can be transferred by assignment, by licence, testamentary disposition or by operation of law. Copyright is intangible right which can only be enforced by an action in court, in cases of infringement. The right to exclude lies not in proprietary possession but in abstract expression, making it susceptible to infringement anywhere in the world. Copyright exists basically in the product of the mind. Conferment of copyright protection on a work must be original and fixed in any medium of expression. Also, the copyright in a work is granted only for a specified duration.

Proceeds of Crime

‘Proceeds of crime’ is pivotal in the fight against corruption, organised crime, and financial crimes. It involves not only the identification and tracing of assets acquired through illegal means but also their recovery and management.

The Black’s Law Dictionary defines proceeds as “the value of land, goods, or investments when converted into money; the amount of money received from a sale”.¹⁷ This definition qualifies as a general definition but the term ‘proceeds’ when dealing with corruption, goes deeper and encompasses any asset that was acquired by corrupt practices or corrupt means. It has thus, been defined as “assets of any kind corporeal or incorporeal, movable or immovable, tangible or intangible and any document or legal instrument evidencing title to or interests in such assets acquired as a result of an act of corruption.”¹⁸

Proceeds of crime include “any property derived from or obtained, directly or indirectly, through the commission of an offence.”¹⁹ These proceeds are often laundered to disguise their illicit origin and reintegrated into the legal economy. Under POCA, the Act defines “proceeds” to mean property, whether— (a) wholly or partly derived or realised, directly or indirectly, from an unlawful activity, and (b) the property is situated within or outside Nigeria.²⁰

¹⁶ John Asein, *Nigerian Copyright Law and Practice* (Books and Gavel, 2012)

¹⁷ Bryan Garner (n 10)

¹⁸ Mevayen Ewomazino Jemialu, ‘Nigerian Proceeds of Crime Act, 2022: Accountability Deficit on Recovered Proceeds of Crimes’ (2022) 8(6) *International Journal of Law* 1-4

¹⁹ <<https://www.taxmann.com/post/blog/faqs-on-proceeds-of-crime-under-the-prevention-of-money-laundering-act-pmla/>> accessed 20th May, 2025

²⁰ Section 82(1) POCA 2022

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Form the above definitions, proceeds of crime can be seen as a term given to money or assets gained by criminals during the course of their criminal activity.²¹ This usually is attached to any economic advantage or assets derived from the commission of such criminal activities.

In Nigeria, the principal legislation addressing proceeds of crime is the Proceeds of Crime (Recovery and Management) Act 2022 (POCA). The Act was enacted to address the need for a piece of legislation that would govern the recovery and management of proceeds of crime as well as the harmonisation and consolidation of all existing legislative frameworks on recovery of proceeds of crime and other related matters in Nigeria. The Act provides for the tracing, restraint, seizure, and confiscation of proceeds of unlawful activity; establishment of a centralised system for the management of recovered assets; and coordination of asset recovery efforts across agencies such as the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Other Related Offences Commission (ICPC) as well as NCC.

Copyright Infringement

Copyright infringement is the appropriation, use, or production of copyright protected material without legal justification or authorization of the copyright owner where such authorisation of the copyright is typically against the right holder who is the creator or owner or both of the work.²² Any person except the owner or creator of a copyright, who without authorisation, licence or right do any of the acts exclusively reserved for the owner under the copyright is said to have infringe on the copyright, whether on the whole or substantial part of the work. Thus, a student who purchases a book can use it in any manner whatsoever, by reading it or destroying. However, that student does not have rights to reproduce it, use it for commercial purpose or does what would have ordinarily been done by the author alone, without obtaining authorisation or consent first. This in all is what copyright seeks to do.

Section 36(1) provides for infringement of copyright as thus: Copyright is infringed by any person who without authorisation of the owner of the copyright- (a) Does or causes any person to do an act, which constitutes a violation of the exclusive rights conferred under this Act; (b) Imports or causes to be imported into Nigeria any copy of a work which if it had been made in Nigeria would be an infringing copy under this Act; (c) Sells offers for sale or hire any work in respect of which copyright is infringed under paragraph (a); (d) Makes or has in his possession, plates, master tapes, machines, equipment or contrivances used for the sole purpose of making infringing copies of the work; (e) Permits a place of public entertainment or of business to be used for a public performance constitutes an infringement of copyright in the work, unless the person permitting the place to be used was not aware and had no reasonable ground to suspect that the performance constitutes an infringement of the copyright; (f) Permits within its premises, the reproduction of a copyright

²¹ <<https://www.cps.gov.uk/crime-info/proceeds-crime>> accessed 20th May, 2025

²² C. A. Ojeh, O. Ogidan, 'Digital Innovation and Technological Advancement: Any Role for Copyright in the Wake of Artificial Intelligence in Nigeria?' [2025] (8) (1) *African Journal of Law, Ethics and Education*, <<https://ajleejournal.com/index.php/ajlee/article/view/232>> accessed 14th May 2025

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work; or (g) Performs or causes to be performed for the purposes of trade or business or the promotion of a trade or business, any work in which copyright subsists.

The exclusive rights in this regard are the rights to reproduce, publish, perform, produce, translate, distribute to the public for commercial purpose, broadcast, communicate, and adaptation of the copyright in literary works, musical works, artistic works, audio visual works, sound recording and broadcast.²³ This form of infringement is of a direct nature, while the provisions under section 36 above are indirect infringements.

While copyright infringement is typically seen as a civil wrong or an intellectual property issue, it can also amount to a criminal offence, particularly when it involves commercial-scale piracy or counterfeiting. Under the Copyright Act 2022, the unauthorised reproduction, distribution, or sale of copyrighted works for profit is a criminal offence punishable by imprisonment or fine. When such infringing acts result in monetary gain or other economic benefits, the resulting profits qualify as proceeds of crime. These profits can be seized or forfeited under POCA. The Nigerian Copyright Commission (NCC), designated as an enforcement agency under the Copyright Act, may collaborate with other financial crimes agencies in asset recovery initiatives.

Piracy

Copyright piracy is the illegal reproduction or duplication of copyright works like phonograms, books, paintings, architectural drawings, photographs, films, broadcasts, computer software etc, for commercial purpose. It also includes distribution, whether gratuitous or for sale, and exhibition in public of infringing copies of copyright works. In line with the above, the Black's Law Dictionary²⁴ defines piracy as the unauthorized and illegal reproduction or distribution of materials protected by copyright, patents and trademarks law. Piracy constitutes a serious threat to the sustenance of creative industries. As a result of piracy, the creators who have put their energies, time and money into producing sound recordings, films, books, computer programmes, etc suffer huge losses in revenue.²⁵ The real impact of piracy can be evaluated from economic, social and political standpoints.

The most common types of piracy and counterfeiting internationally include: Medications, Apparel, footwear and handbags, Movies and music, Auto parts, Electronics, Health products (toothpaste, lotion, and vitamins), Food, alcohol and beverages etc.²⁶

The losses sustained by the Nigerian Copyright Industry from these illicit activities is enormous. These impacts are well discussed later in this paper.

²³ S. 9 to 13, Copyright Act, 2022

²⁴ Garner (n 10) 1186

²⁵ M J Meurer, 'Price Discrimination, Personal Use and Piracy: Copyright Protection of Digital Works' (1997) 45 Buffalo L Rev 845.

²⁶ Waziri (n 3)

Why Copyright Illicit Activities Qualifies as a Source of Criminal Proceeds

In Nigeria, copyright infringement has escalated with the advent of digital technologies, leading to significant economic losses and the proliferation of illicit financial flows.²⁷ Under Nigerian law, particularly POCA, copyright infringement can be classified as a predicate offence. This is because the Financial Action Task Force (FATF) has classified 21 offences as predicate offences. These include smuggling, forgery, counterfeiting and piracy of products, etc.²⁸ This classification allows for the tracing, seizure, and forfeiture of proceeds derived from such illegal activities.²⁹

Nigeria remains Africa's largest Information and Communication Technology (ICT) market, accounting for 82% of the continent's telecom subscribers and 29% of its internet usage. As of 2018, the ICT sector contributed approximately 11.8% to Nigeria's national GDP.³⁰ By March 2019, broadband subscriptions stood at 64 million (a 34% penetration rate), with a total of 173 million registered phone lines, resulting in a tele-density of 91%. These figures demonstrate rapid growth in digital adoption and usage. However, the gains in the sector are persistently undermined by rampant software piracy, which not only stifles innovation and investment but also constitutes a significant avenue for copyright infringement and criminal economic activity.

Again, Nigeria's creative industry comprising film, music, and gaming has seen significant growth and is a major contributor to the national economy. Nollywood is the second-largest employer in the country, with the film industry contributing approximately ₦239 billion to GDP as of 2016, and the music industry generating around \$39 million in revenue. The gaming sector is valued at an estimated \$150 million.³¹ Despite its potential, the industry faces severe challenges, chiefly piracy. Nigeria has one of the highest rates of piracy globally. For every legitimate film sold, nine are pirated, and about 80% of international music CDs in the market are pirated. Locally, 40% of creative products are illegally copied or counterfeited. This not only undermines local content creators but also deters foreign investment.³²

The scale of the economic loss is staggering. In 2016, Nigeria's Minister of Communications disclosed that the country loses about \$287 million annually to software piracy, and earlier studies have shown that 82% of software installed on personal computers in Nigeria is unlicensed. These

²⁷ Ismail Olatunji Adeyemi, 'Copyright Issues in Nigeria: Analysis of Nigerian Copyright Commission Cases Between the Years 2008–2018' (2020) 10(1) *International Journal of Knowledge Content Development & Technology* 71-85 <<https://doi.org/10.5865/IJKCT.2020.10.1.071>> accessed 17th May, 2025

²⁸ AML UAE, 'Understanding the Predicate Offences to Prevent Money Laundering' (AML UAE, 2023) <<https://amluae.com/predicate-offences-to-prevent-money-laundering/>> accessed 18th May 2025.

²⁹ Osioni Michael Ufuoma and Beauty.O. Alloh, 'The Prospects/Shortcomings of the Nigerian Copyright Act 2022 With Regards to Criminal Liability for Copyright Infringement' (2024) 12(6) *Global Journal of Politics and Law Research* <<https://eajournals.org/gjplr/vol12-issue-6-2024/the-prospects-shortcomings-of-the-nigerian-copyright-act-2022-with-regards-to-criminal-liability-for-copyright-infringement/>> accessed 17th May, 2025

³⁰ Yemi Akoyi, *Impact of Intellectual Property Infringement on Businesses and the Nigerian Economy* (PwC Nigeria, 2018) <<https://www.pwc.com/ng/en/assets/pdf/ip-infringement-ngr-economy.pdf>> accessed 18th May 2025.

³¹ *Ibid*

³² *Ibid*

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statistics highlight the extent to which piracy deprives software developers of deserved revenue and the government of valuable tax income. This shows that software piracy in Nigeria is not merely a matter of copyright infringement it is an economic crime with far-reaching implications for national development, digital innovation, and lawful enterprise.

Though, it can be argued that the reasons for continued reliance on pirated software in Nigeria are multifaceted. They include a general lack of public awareness regarding intellectual property rights, a shortage of authorised software vendors, and the high cost of authentic software products. For instance, a one-year subscription to Microsoft Office 365 Home costs about \$99 (approximately ₦36,000), a price point that remains prohibitive for many middle- and lower-income professionals. While some users intentionally purchase pirated versions to reduce costs, others do so unknowingly due to the widespread circulation of counterfeit software and the absence of accessible genuine alternatives.³³ These dynamics fuel an underground economy where copyright violations are both commercialised and normalised. And a lot of money is made from these activities.³⁴

Proceeding from the above data, it is clear that the effective integration of copyright enforcement with anti-money laundering (AML) strategies is crucial in the fight against copyright illicit activities. Recognising the above negative impacts of copyright illicit activities, the Nigerian Copyright Act criminalises the unauthorised reproduction, distribution, and commercial use of copyrighted works, including software. Under this law, individuals who make or commercially deal in infringing copies of software may face fines and imprisonment. More critically, the financial gains derived from such unlawful activity may qualify as criminal proceeds under the Proceeds of Crime (Recovery and Management) Act, 2022. This legislation provides a legal framework for the tracing, seizure, forfeiture, and management of assets derived from unlawful conduct, including copyright offences. Since copyright infringement is a predicate offence under Nigerian law, profits made through the commercial distribution of pirated software fall squarely within the scope of illicit assets subject to recovery.

NCC then is to play an instrumental role in this regard by gathering intelligence, monitoring market practices, and reporting suspicious financial activities linked to copyright offences. The Commission's capacity to collaborate with financial institutions, law enforcement, and the Nigerian Financial Intelligence Unit (NFIU) is vital to ensure that piracy networks are financially incapacitated.

Nevertheless, challenges persist in aligning copyright enforcement with AML mechanisms. These are inherent challenges with the system which if any meaningful progress is to occur, there must be greater investment in awareness campaigns, enhanced legal enforcement, and structured

³³ *Ibid*

³⁴ Waziri (n 3)

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governmental support for local ICT developers who strive to compete lawfully in the market. They are discussed later in this study.

A Poke into the Proceeds of Crime (Recovery and Management) Act, 2022

POCA, enacted in 2022, establishes a framework for the seizure, confiscation, forfeiture, and management of assets believed to be obtained through illegal activities. The Act defines “proceeds of crime” broadly, including assets and properties derived from unlawful activities, regardless of their location. Property under the Act ‘includes funds and means assets of every kind, corporeal or incorporeal, moveable or immovable, tangible or intangible and legal documents or instruments evidencing title or interest to such assets whether situated within Nigeria or outside Nigeria’.³⁵

The Act further assigned to ‘Relevant Organizations’ (Ros) the power to make decisive actions and critical choices regarding the controlled property to guarantee its preservation and effective management.³⁶ Accordingly, RO must undertake all actions deemed “reasonably necessary” to safeguard and manage the controlled property, which includes:

1. Engaging in any civil or criminal proceedings that impact the controlled property;
2. Realising, managing, or otherwise handling controlled property that consists of securities or investments; and
3. In instances where a business is included as part of the controlled property:
4. Hiring or dismissing employees within the business; and
5. Taking any necessary steps to ensure the business operates on a solid commercial foundation.

RO under the Act include, EFCC, Nigeria Police Force, Armed Forces, Department of State Services, Independent Corrupt Practices and other Related Offences, Commission Nigerian Financial Intelligence Unit, Code of Conduct Bureau, Standard Organisation of Nigeria, Federal Inland Revenue Service, Nigeria Customs Service, National Drug Law Enforcement Agency, National Agency for Prohibition of Trafficking in Persons, National Agency for Food and Drug Administration and Control, Nigeria Ports Authority, Nigeria Immigration Service, Nigeria Maritime and Safety Agency, National Inland Waterways Authority, e.t.c. and “such other organisation as the Attorney-General may designate”.³⁷ Thus, by virtue of sections 81 and 82 of the Act, the Attorney General of Federation in February, 2025 made the Proceeds of Crime (Designation of Nigerian Copyright Commission as a Relevant Organisation) Order, 2025. The order designate NCC as a relevant organisation.

The Proceeds of Crime (Recovery and Management) Act (POCA) introduces a comprehensive legal framework aimed at tracing, seizing, and managing assets derived from unlawful activities in Nigeria.

³⁵ Section 82 POCA 2022

³⁶ Section 4 POCA

³⁷ Section 82 POCA, 2022

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One of the central features of POCA is the seizure and forfeiture of assets suspected to be proceeds of criminal conduct, such as corruption, fraud, and money laundering. The Act establishes mechanisms for both conviction-based and non-conviction-based asset recovery. Notably, the forfeiture of assets can occur without the need for a prior criminal conviction, allowing authorities to act where the suspect is unavailable or cannot be prosecuted. This reflects a shift towards a more proactive and preventive approach to financial crime.

The Act also provides for the recovery of cash and valuables that exceed legally prescribed thresholds and are reasonably suspected to be proceeds of crime. Designated officers are empowered to detain such cash including not only currency but also valuable items like gold and jewellery for up to twelve months. However, continued detention or forfeiture must be justified by credible evidence linking the assets to criminal activity.

Section 33 of the Act outlines provisions for both conviction-based and non-conviction-based recovery of assets. This dual approach enhances the flexibility and effectiveness of the regime, ensuring that assets can be recovered in situations where prosecution is impractical, such as when a suspect has fled the jurisdiction or is deceased. The inclusion of non-conviction-based forfeiture aligns POCA with international best practices, such as those endorsed by the United Nations Convention Against Corruption.

To administer and oversee the implementation of these provisions, the Act establishes the Proceeds of Crime Management Directorate (PCMD) within relevant enforcement bodies. The PCMD is responsible for managing all recovered assets, maintaining accountability, and ensuring transparent handling of forfeited property. It is also tasked with appointing asset managers and developing standards for asset preservation, valuation, and disposal.

POCA also confers jurisdiction on the Federal High Court, High Court of the Federal Capital Territory, and State High Courts to adjudicate matters relating to asset recovery and management.³⁸ It further provides for the establishment of special courts to handle specific cases under the Act, thereby enhancing the speed and efficiency of proceedings.³⁹ Through these judicial and administrative mechanisms, POCA aims to deter criminal activity by depriving offenders of their illicit gains and reinforcing the integrity of Nigeria's anti-corruption and anti-money laundering efforts.

The Role of the Nigerian Copyright Commission (NCC)

CA established the body called 'Nigerian Copyright Commission' in 1996 and confers on it wide mandate which includes regulation and enforcement of copyright.⁴⁰ As provided in CA, NCC is responsible for all matters affecting copyright in Nigeria; monitor and supervise Nigeria's position

³⁸ Section 73(1) POCA 2022

³⁹ *Ibid.*, Section 73(2)

⁴⁰ Section 77 Copyright Act

Publication of the European Centre for Research Training and Development–UK in relation to international conventions and advice government thereon; advise and regulate conditions for the conclusion of bilateral and multilateral agreements between Nigeria and other country; enlighten and inform the public on matters relating to copyright; maintain an effective data bank on authors and their works and be responsible for such other matters as related to copyright in Nigeria as the Minister (who is interpreted as Minister responsible for culture).⁴¹

In a similar vein, NCC apart from regulating and enforcing Nigeria's copyright laws works with existing law enforcement or regulatory agencies and designate individuals to act as copyright inspectors⁴² on the one hand, and collecting societies⁴³ on the other hand. Copyright inspectors are responsible for enforcing copyright laws in Nigeria; this can involve investigating copyright infringement, prosecuting copyright violators, and educating the public about copyright laws and the importance of respecting intellectual property rights.⁴⁴ They may also work with businesses and organizations to ensure that they are complying with copyright laws, and may conduct audits or inspections to verify compliance. In terms of collecting societies, NCC works to ensure that these organizations are properly registered and comply with the requirements in CA.⁴⁵ NCC may also conduct investigations and audits to ensure that collecting societies are effectively collecting and distributing royalties on behalf of their members⁴⁶ while also establishing and maintaining a Register of Works.⁴⁷

NCC's Anti-piracy Roles

The Copyright Act⁴⁸ in its wisdom provides for anti-piracy measures to assist the commission effectively and efficiently carry out its functions. Thus S. 49 of the Act provides that;

The Commission shall have powers, with the consent of the Minister, to prescribe any design, label, mark, impression or any other antipiracy device for use on, in, or in connection with any work in which copyright subsists;

(2) Any person who — (a) sells, rents, hires, or (b) offers for sale, rental or hire, any work in contravention of the prescription made under subsection (1), commits an offence and is liable on conviction to a fine of at least N500,000 or imprisonment for a term of at least three years or both.

⁴¹ Isaac Oluwaseun Adeyemi, 'Copyright Issues in Nigeria: Analysis of the Nigerian Copyright' (2020) 10(1) *International Journal of Knowledge, Content Development and Technology* 71–82.

⁴² Section 86, Copyright Act

⁴³ *Ibid.*, section 88

⁴⁴ *Ibid.*, section 86

⁴⁵ Section 88 CA, 2022

⁴⁶ *Ibid*

⁴⁷ *Ibid.*, section 87

⁴⁸ *Ibid*, S. 49

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(3) Any person who without the permission of the Commission —
(a) imports into Nigeria, or (b) has in his possession, any machine, instrument or other contrivance intended to be used for the production of anti-piracy device, commits an offence and is liable on conviction to a fine of at least N1,000,000 or imprisonment for a term of at least five years, or both.

(4) Any person who without the permission of the Commission —
(a) reproduces, or (b) counterfeits, any anti-piracy device prescribed under this section, commits an offence and is liable on conviction to a fine of at least N500,000 or imprisonment for a term of at least three years or both.

(5) Any person who without the permission of the Commission, is in possession of any anti-piracy device prescribed under this section, unless he proves to the satisfaction of the court that he did not know and had no reason to believe that such device was a prescribed anti-piracy device, commits an offence and is liable on conviction to a fine of at least N100,000 or imprisonment for a term of at least one year or both.

(6) The Commission shall have power, with the consent of the Minister, to make regulations specifying the conditions necessary to give effect to the purpose of this section.⁴⁹

Thus, by the above provision, NCC is clearly and explicitly empowered to fight and curb piracy in Nigeria. Since its establishment 1989,⁵⁰ it has worked, (through its enforcement unit) to clamp down on piracy and reduce it to the barest minimum. Campaigns such as strategic Actions Against Piracy (STRAP) and the Copyright litigation and mediation programme (CLAMP) are testimonies to this.⁵¹

Interestingly the commission has secured many convictions against accused persons through the court system. Such convictions include *NCC v Oba Okechukwu*⁵² where the accused was charged with the sell and possession of local and foreign musical and cinematography films which is contrary to S. 20(2) (a) and (c) of the Nigerian Copyright Act. The Federal High Court Abuja sentenced the accused to 3 months imprisonment and a fine of N12,600; and the infringing copy handed over to the NCC. Also, the same decision was given by the court in *NCC v Dominion Kalu*.⁵³ In *NCC v Godwin Kadiri*,⁵⁴ the accused was charged with selling and distributing to about

⁴⁹ *Ibid*, S. 49

⁵⁰ Following the implementation of Decree No. 47 of 1988

⁵¹ Waziri (n 3)

⁵² (2012) 55 NIPJD (FHC)

⁵³ (2012) 55 NIPJD (FHC)

⁵⁴ (2010) 53 NIPJD (FHC)

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100 subscribers the whole or substantial parts of HiTV broadcast channels in which copyright subsist, without the consent or authorization of the copyright owner in breach of s. 20 (2) (a) and (b) of the Copyright Act,⁵⁵ and also having in his possession equipment and contrivances including decoders, smart cards and splitters for the purpose of illegal rebroadcasting of HiTV channels contrary to S. 20(1) (c) of the Copyright Act.⁵⁶ The Federal High Court Abuja convicted the accused and sentenced him in accordance with S. 20 (2) (a) of the Copyright Act.⁵⁷

NCC in addition to proper implementation of their duty enshrined in the Act, also sets out policy initiatives and strategic plans in their mission and vision of curbing piracy. This can be illustrated in their bid to provide avenue for rebranding the ideology of Nigerians towards the evil called piracy.⁴⁸ This can be achieved through the use of Strategic Action Against Piracy (STRAP). This is a national anti-piracy campaign that employs various tools such as public enlightenment to combat all forms of piracy; empower local industries and attract foreign investment,⁵⁸ through a sustained campaign, to restore the image of Nigeria as a country that upholds the ideals of creativity and abhors international crimes; and substantially raise awareness on piracy and other copyright infringements among Nigerians.

Challenges faced by NCC in Combating Copyright Illicit Activities.

There is no gainsaying that the fight against copyright offences has not been an easy task for the NCC, it has been fraught with various challenges. Thus, NCC like many regulatory bodies, faces several significant challenges in its fight against piracy.⁵⁹ Chief among these is poor funding, which hampers investigations and limits the NCC's ability to operate effectively. Corruption within the system further undermines its efforts, as some officials are compromised by pirates and neglect their duties during enforcement raids. Enforcement itself remains weak due to limited support from law enforcement agencies, many of whom lack the training, resources, and motivation to prioritise copyright issues.⁶⁰ Public perception also plays a role, as many continue to view piracy as a minor offence.

Again, delays and opacity within the judicial system discourage rights holders from seeking justice. Cultural acceptance of pirated goods, particularly in rural areas where they are widely patronised, makes anti-piracy campaigns even more difficult. The NCC also struggles with operational challenges such as inadequate mobility, insecurity during raids, and language barriers in Nigeria's

⁵⁵ 2004 Copyright Act

⁵⁶ *Ibid*

⁵⁷ *Ibid*

⁵⁸ Ikenna U Ibe, Chukwubuike I Obianyo and Solomon V Ater, 'A Critical Appraisal of the Legal Framework for the Protection of Intellectual Property Rights of Non-Fungible Tokens (NFTs) and Metaverse' (2022) 4(1) Chukwuemeka Odumegwu Ojukwu University Journal of Private and Public Law, 216

<<https://www.nigerianjournalonline.com/index.php/COOUJPP/L/article/view/3968>> accessed 22nd May, 2025.

⁵⁹ Mary Imelda Obianuju Nwogu, 'The Challenges of the Nigerian Copyright Commission (NCC) in the Fight against Copyright Piracy in Nigeria' (2014) 2(5) *Global Journal of Politics and Law Research* 22.

⁶⁰ *Ibid*

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diverse linguistic landscape. Additionally, the rise of digital piracy through the internet where works are copied and shared effortlessly poses a growing threat that the Commission must urgently address.

More still, the European Union (EU) has placed Nigeria on its priority watch list for intellectual property (IP) rights violations, highlighting persistent challenges such as weak enforcement, high piracy rates, outdated legislation, and poor administrative structures.⁶¹ Despite adopting a National IP Policy in 2022 and introducing reforms like the Nigeria Customs Service Act, the EU found little practical improvement, citing the failure to pass the Industrial Property Commission Bill and inadequate integration of international treaties like the TRIPS Agreement. Nigeria's role as a transit hub for counterfeit goods and the ineffectiveness of copyright enforcement mechanisms further worsened its position. The EU urged Nigeria to accelerate reforms to strengthen IP governance, enforcement, and judicial capacity to improve investor confidence and global trade credibility. Together, these challenges paint a complex picture of the NCC's uphill battle against piracy in Nigeria.

Expected Roles of NCC as a Designated Organisation Under the Proceeds of Crime (Recovery and Management) Act, 2022

POCA marked a significant turning point in Nigeria's fight against economic and financial crimes. With its objective to trace, seize, confiscate, and manage assets derived from unlawful activities, the Act broadens the scope of enforcement agencies and brings intellectual property (IP) crimes such as copyright infringement within the purview of financial crime regulation. A pivotal development under POCA is the designation of the Nigerian Copyright Commission (NCC) as a "Relevant Organisation" by virtue of the Proceeds of Crime (Designation of Nigerian Copyright Commission as a Relevant Organisation) Order, 2025 made by the Attorney-General of the Federation in accordance with Sections 81 and 82 of the Act. It is expected that with this legal development; the following will emerge.

Broadening Copyright Infringement into the Anti-Corruption Framework

The designation of NCC as a RO under POCA formally recognises copyright offences particularly large-scale piracy and commercial exploitation of infringing works as capable of generating criminal proceeds. This aligns with the definition of "proceeds of crime" under the Act, which includes assets derived directly or indirectly from unlawful conduct. Consequently, copyright infringement particularly when undertaken as a commercial enterprise qualifies as a predicate offence under POCA, warranting asset tracing, seizure, and forfeiture.

⁶¹ Levi Johnson, 'The European Union has placed Nigeria on its priority watch list for intellectual property rights violations, citing growing concerns about the country's enforcement regime, piracy rates, and IP governance structure' (Credible News, 23 May 2025) <<https://crediblenews.com.ng/nigeria-on-eu-priority-watch-list-for-ip-viola/>> accessed 8th June 2025.

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By this designation, NCC is now empowered to initiate or collaborate in civil or criminal proceedings affecting controlled property that is derived from copyright-related offences. For example, pirated CDs, streaming profits from unlicensed platforms, or properties acquired through large-scale IP theft may now be recoverable assets under POCA. This legal backing significantly strengthens NCC's enforcement capacity and acts as a deterrent to organised copyright infringement.

Asset Tracing, Recovery, and Forfeiture

The designation allows NCC to carry out functions that were traditionally outside its core operations, particularly in terms of asset tracing and management. Under POCA, ROs may take all actions deemed “reasonably necessary” to preserve, manage, and recover controlled property. For NCC, this means:

- Identifying and tracing proceeds of piracy and copyright theft.
- Applying for forfeiture orders of properties acquired through such unlawful gains.
- Collaborating with other agencies such as the Economic and Financial Crimes Commission (EFCC), Nigeria Financial Intelligence Unit (NFIU), and the Nigeria Police Force to execute seizure and confiscation orders.

The inclusion of intellectual property crime proceeds within the asset recovery regime also enables a shift from punitive to restorative justice, where unlawfully gained assets are returned to the state or victims, such as rights holders.

Participation in the Proceeds of Crime Management Directorate (PCMD)

NCC, as a designated organisation, is expected to establish or integrate with the Proceeds of Crime Management Directorate (PCMD), responsible for managing forfeited properties. The PCMD within the NCC will ensure accountability in asset handling, adherence to standards, and engagement of asset managers when necessary. This integration will require capacity building within NCC to effectively manage financial assets and properties, such as bank accounts, businesses, or real estate acquired from piracy-related operations.

Enhancing Inter-Agency Collaboration

The designation also strengthens the inter-agency collaboration mechanism between NCC and other POCA-relevant organisations. By being on equal statutory footing with agencies like EFCC and NFIU, NCC is empowered to share intelligence, report suspicious transactions, and participate in joint operations or prosecutions involving proceeds of copyright infringement. This is particularly crucial given that copyright offences often overlap with transnational organised crime and cybercrime, both of which are heavily reliant on coordinated enforcement efforts.

CONCLUSION AND RECOMMENDATIONS

The designation of NCC as a RO under POCA significantly enhances its mandate in combating piracy and copyright infringement in Nigeria. This legal recognition empowers NCC to trace and recover assets derived from copyright-related offences, aligning intellectual property enforcement

Publication of the European Centre for Research Training and Development–UK with national anti-corruption and anti-money laundering frameworks. However, the effective discharge of this expanded role is contingent upon several critical factors. These include institutional capacity, financial resourcing, inter-agency collaboration, judicial efficiency, and public engagement. NCC's historical challenges such as underfunding, limited technological infrastructure, and public indifference toward piracy persist and may hinder its ability to fully leverage the powers conferred by POCA. Additionally, NCC must confront entrenched perceptions that see piracy as a minor or even justifiable offence due to the high cost of authentic works. While the enactment of the 2022 Copyright Act represents a progressive step in addressing contemporary issues like digital piracy, its success will be determined by practical implementation, stakeholder cooperation, and an empowered enforcement regime. NCC is uniquely positioned to lead in this regard, but its effectiveness will rely heavily on strategic reforms and sustained institutional support. These include;

1. **Implementation of Prosecutorial Autonomy of NCC:** NCC designated as RO should now exercise legal authority to initiate and conduct prosecutions independently, thereby reducing delays associated with external legal processes.
2. **Increase Funding and Institutional Capacity:** Adequate budgetary allocations must be made to enable NCC to recruit skilled personnel, acquire modern investigative tools, and conduct nationwide enforcement operations.
3. **Invest in Forensic and Financial Investigative Capabilities:** Given its new role under POCA, NCC must develop expertise in asset tracing, forensic accounting, and digital tracking to recover proceeds of copyright crimes effectively.
4. **Prioritise the Implementation of the Copyright Act, 2022:** Emphasis should be placed on operationalising key provisions of the new Act, particularly those relating to online infringement, intermediary liability, and digital rights management.
5. **Strengthen Inter-Agency Collaboration:** NCC should forge closer partnerships with relevant agencies, including the EFCC, NFIU, Police, and Customs, to coordinate enforcement strategies and share intelligence.
6. **Undertake Public Sensitisation and Education Campaigns:** Raising public awareness about the legal, economic, and social implications of piracy is essential to reduce demand for infringing content and promote respect for copyright.
7. **Judicial Reforms and Fast-Track Adjudication:** Establishment of specialised IP courts or fast-track procedures for copyright cases will help resolve disputes promptly and improve access to justice for rights holders.
8. **Deploy Technological Tools in Enforcement:** NCC should adopt digital solutions, such as online monitoring systems, watermarking technologies, and automated takedown mechanisms to combat internet-based piracy.