

WIPO/CR/NG/08/10

ORIGINAL: English

DATE: October 10, 2008



COMMUNICATING FOR CHANGE

WORLD INTELLECTUAL
PROPERTY ORGANIZATION (WIPO)

NIGERIAN COPYRIGHT COMMISSION

WIPO NATIONAL SEMINAR ON INTELLECTUAL PROPERTY RIGHTS FOR PROFESSIONALS IN THE FILM INDUSTRY

Lagos, October 13 and 14, 2008

COPYRIGHT EXPLOITATION, FILM, TV AND NEW MEDIA MARKET FOR
NIGERIAN MOVIES

*Document¹ prepared by Mr. Chikezie Donatus Nkem, Former General Secretary, Association
of Film/Video Producers and Marketers of Nigeria (AFVPAMAN)*

¹ The views expressed in this document are those of the author, and not necessarily those of the WIPO Secretariat or its Member States.

**COPYRIGHT EXPLOITATION, FILM, TV AND NEW MEDIA MARKET
FOR NIGERIAN MOVIES.**

**A PRESENTATION BY: MR CHIKEZIE DONATUS NKEM
FORMER GENERAL SECRETARY, ASSOCIATION OF FILM/VIDEO
PRODUCERS AND MARKETERS OF NIGERIA (AFVPAMAN) AT
THE WORKSHOP ON INTELLECTUAL PROPERTY RIGHT
ORGANIZED BY COMMUNICATING FOR CHANGE (CFC)
THE WORLD INTELLECTUAL PROPERTIES ORGANISATION
(WIPO) IN GENEVA AND THE NIGERIA COPYRIGHT
COMMISSION**

ON 13TH -14TH OCTOBER, 2008. EKO HOTEL, LAGOS.

The Nigeria film/movie industry has over the years experienced a remarkable and phenomenal growth in the production of video works, with over 1,000 (one thousand) video movies produced annually, this figure includes Ibo, Hausa, Yoruba and English movies. The industry is now rated as one of the most vital emerging motion picture cultures in the world, making Nigeria the 3rd largest movie production nation in the world. This development is a remarkable one, given the fact that the country has achieved this by redefining the paradigms of film production through the exploitation of an alternative medium of entertainment (video). Note, this emerging industry, employs millions of Nigerians and generates huge revenue for the country. These positive developments notwithstanding, the practitioners in the sector and the policy makers have totally neglected a critical area which if not addressed will be an impediment to further growth and development of this great industry.

THE ISSUE OF COPYRIGHT AND ITS EXPLOITATION". Now the

question is, has the practitioners (the marketers/distributors) been able to exploit **the full potential in copyright i.e. Intellectual Property Right, the answer is no. The reason behind this, is not far fetched, lack of knowledge and education.** In previous years the marketers who is the major financier of the work, was denied the right of ownership, until sometime in June, 2002 when a national workshop was held on the issue of "copyright ownership ". Usually, the owner of a copyright is the person who created the work, i.e. the author. However, there are exceptions as the law stipulates, for example, when a work is created by an author who is a paid employee in an organization, the ensuing copyright may be vested in the employer . If the worker has assigned that right to the organization. The owner of the copyright may have the right to use the work as he/she pleases, but not to the expense or detriment of the right of others within the context of the said work; in movie production the person that controls the movie from script to screen, the three major screen, theater, TV and VHS, VCD/DVD, is the copyright owner, this is the only aspect of copyright marketers/distributors are operating with. However, as the topic of this workshop implies, "intellectual property right". Intellectual property is usually divided into two branches, namely, industrial property and copyright, industrial property are mainly patents, designs, trade marks, trade secrets etc. while copyrights are typically intellectual, literary , artistic work etc. for the practitioners to do effective exploitation there is need to understand the basic types of motion picture right acquisitions; namely; (a) screenplay adaptation of an existing literary work, (b) theatrical right, (c) residual value rights (d) merchandise rights, etc. they also need to know the rights of infringement and remedies.

Once the above issues are well treated and understood by the practitioners, they are going to do more and more exploitive as far as copyright s issues are concerned.

These efforts can only be successful if all the players in the sector come together and establish a plat form that can effectively train and equips the practitioners with sound knowledge of intellectual property rights. In modern society, copyright has become an intricate business in which the creative, production, distributive, research and legal components are vital. Consequently its economic potential has become better recognized. The real value of copyright as well as social and economic contribution to society is determined by the commitment of government. In the absence of an appropriate legal mechanism for intellectual property/copyright administration, the benefits of copyright to national development would not be realized. Perhaps, the biggest losers are the practitioners whose creativity may be stifled.

The film, TV and new media market for Nigerian products have been adversely affected by copyright infringement. This is due to poor enforcement, ignorance, unregistered marketers, lack of professionalism, low educational level of practitioners as well as unethical practices in some media houses. The case where a particular home video is taken out of the country and mass produced illegally, deprives the copyright owner his equitable reward for labour, defraud him and his enterprise thereby discouraging creativity and germaine development. The issue of entertainment web sites is another major problem affecting the movie industry, where movies are been downloaded without the consent of the

copyright owner, in the market today there are 20 in one DVD for Nigerian home video, which are been produced within and outside the country, briefcase distributors; these groups have successfully, denied a lot of copyright owners their reward of labour internationally and locally. They travel from one country to the other selling movies that do not belong to them, making it impossible for revenue to come from those countries to the rightful owners of the works they are selling without the person's authority. Even though the government agencies are trying to cut down on the activities of this unhealthy business, their actions are not good enough especially within the shores of this country, before we can talk about the other nations.

In my view, it is high time we appoint agents that will be handling our products for effective distribution of our products outside Nigeria.

It is my sincere hope that, if adequate attention is given to the above issues mentioned, there will be growth, and adequate reward to the labour of the practitioners in general, this will overhaul the engine room of the industry, thereby guarantee returns on investment.

[End of document]