

Technological Advancement And Its Influence on Copyright: Cultural And Economic Perspectives

Noel N. Udeojoji, Ifeanyi G. Okeke, Rosemary O. Udeojoji & Chidera L. Ighu

Abstract

The past few decades have borne witness to remarkable technological progress. The advent of technological innovations has seamlessly integrated various aspects of our existence. The legal system has substantially been influenced by these technological developments; people can now easily access legal help and information online, lawyers now easily communicate with their clients and others involved in cases. The emergence of new digital systems has resulted in more infringements, greater difficulty in detecting infringers because of privacy interests, and a continued public acceptance of unauthorized copying.¹¹⁷ The scope of this work is limited to Nigeria, although references may be made to external sources where necessary. This paper adopts doctrinal research method, and it explores the historical context of copyright law, the influence of technological advancements on copyright, and the cultural and economic perspectives on the issue. It further examines the impact of digitization, social media, streaming services, and artificial intelligence on copyright, as well as the challenges of copyright enforcement. Through a cultural lens, the paper investigates the effects of technological advancements on access to knowledge and creativity, while an economic perspective analyzes the implications for revenue streams, business models, and the creative economy. Case studies of specific industries and landmark legal cases provide further insight into the complexities of copyright in the digital age. The paper concludes by discussing potential reforms in copyright law, the role of education and awareness, and predicting the future of copyright in a rapidly evolving technological landscape.

Keywords: *Technological Advancements, Copyright, Cultural, Economic, Perspectives, Nigeria*

Noel N. Udeojoji, PhD, BL., FICMC, MCArb, DRS,
Department of Public Law,
Nnamdi Azikiwe University, Awka,
nn.udejoji@unizik.edu.ng
udejojinoel@yahoo.com
(+234-905-004-5505)

Ifeanyi G. Okeke,
Nnamdi Azikiwe University,
igf.okeke@stu.unizik.edu.ng
(+234-701-541-2463)

Rosemary O. Udeojoji, BA., LLB, ACArb, LLM,
Nnamdi Azikiwe University,
Awka, Anambra State,
udejojirosemaryoluchi@gmail.com
(+234-803-772-8332)

Introduction

Before taking a dive into the questions this paper seeks to answer, appropriate considerations ought to be given to the subject matter “Copyright”. Copyright is the right of literary property as recognized and sanctioned by positive law. It is an intangible, incorporeal right granted by statute to the author or originator of certain literary or artistic productions, whereby he is invested, for a specified period, with the sole and exclusive privilege of multiplying copies of the same and publishing and selling them.^[2] Copyright exists just as one of the spheres, branches or types of intellectual property law. It relates to literary and artistic creations such as books, music, paintings and sculptures, films and technology-based works (such as computer programmes and electronic databases).^[3] It protects the owner of the exclusive property rights against those who copy or otherwise take and use the particular form in which the original work was expressed.^[4] Copyright (or author's right) is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture, and films, to computer programmes, databases, advertisements, maps, and technical drawings.^[5]

Asein argues that the “concept of right generally connotes the legal power or liberty to do something, but in the case of copyright, the right conferred on the owner is the power to 'stop others from doing something,'" i.e. to prevent the exploitation of a work by unauthorized persons. Put differently, copyright is a negative right, or more appropriately, an exclusionary right, to exclude others from the unauthorized use rather than a positive right entitling the owner to exploit the work in question. For instance, the right conferred does not authorize the copyright owner to distribute or publish the work but rather gives him the exclusive right to control and exclude others from its distribution and publication.”^[6] It is however imperative to understand that the negative nature of Copyright stems from the fact that third parties are prevented from doing those acts in respect of the works, which the copyright owner is empowered to do, without the copyright owner's authority; and the owner is entitled to seek legal redress in cases of unauthorized use or benefit.^[7]

Most notably, in correspondence with Nigerian laws, particularly Section 2(1) of Copyright Act 2022, works such as literary works, musical works, artistic works, audiovisual works, sound recordings, and broadcasts are copyrightable. The Act also recognizes copyright protection in collective works.

Brief Overview of Technological Advancements on Copyright in the Digital Age

In the world today, a vast array of technological innovations, advancements and breakthroughs have emerged, earning this era the distinction of being called the “digital age”. Amongst the whole, some advancements such as generative AI, quantum computing, 5G expansion, virtual reality (VR) 2.0, augmented reality (AR), internet of things, biotechnology in Agriculture, block-chain, etc., are most notable.^[8]

Nigeria itself is not a stranger to these advancements. Nigeria has emerged as a prominent leader in tech growth within Africa, driven by innovation and technological advancements across FinTech, e-commerce, HealthTech, AgriTech, and EdTech. With Lagos ranked among the Global Top 100 Startup Ecosystems and five of Africa's seven tech unicorns originating in Nigeria, the country has become a hub of transformative digital solutions.^[9] Government initiatives like the Nigeria Startup Act and National Digital Economy Policy, combined with investments from global giants like Google, Microsoft, and Meta, have fostered a robust ecosystem for growth. These efforts have enabled the adoption of advanced technologies such as AI, block-chain, and digital payment systems, which are changing industries and improving access to essential services.^[10]

Narrowing the aforementioned, these advancements have certain effects on Copyright laws in Nigeria. While these advancements have enabled creators to reach broader audiences and monetize their works more effectively, they have also facilitated widespread piracy and unauthorized distribution. The Nigerian Copyright Commission struggles with limited resources, outdated enforcement mechanisms, and the complexity of addressing online infringements.^[11] Although the introduction of the Copyright Act 2022 was made of recent, gaps still remain in effectively tackling digital piracy. Legislative reforms, better enforcement strategies, and public education need to be employed to address these challenges while leveraging technological tools like Digital Rights Management to protect intellectual property in the digital age.^[12]

1.3 Research Trajectory

This research investigates the impact of technological advancements on copyright law in Nigeria, exploring historical developments, challenges of

enforcement in the digital age, and proposing reforms to address digital piracy and strengthen intellectual property protection.

Understanding the History of Copyright

In the period preceding the establishment of contemporary copyright legislation in Nigeria, there was little or no record of disputes over the infringement of authors' rights. This absence of conflict was rooted in the nature of authorship at the time, where the focus was primarily on the prestige and honour that came with the wide dissemination of one's works.^[13] Authors were more concerned with the accuracy of the copies being produced than with the profits derived from their distribution.

However, the foregoing nature changed dramatically with the invention of the printing press by Gutenberg.^[14] For the first time ever, authors could envision tangible financial rewards from the sale of their works. This new-found opportunity also exposed a stark vulnerability: unauthorized reproductions began to cut into the profits that rightfully belonged to the original creators. This awakened a sense of injustice among authors, spurring them to protest vigorously against such practices.

These protests gradually laid the foundation for the recognition of authors' rights, necessitating legal frameworks to protect intellectual property. This period marks the turning point where the economic value of creative works gained prominence, leading to the evolution of copyright laws. The struggle of early authors not only secured their personal rights but also awakened society to the broader need for a system that values and safeguards intellectual contributions.

The Origin and Development of Copyright Law in Nigeria

Nigeria's Copyright Laws, although developed to some extent, are still currently evolving. Indeed, there still are some lacunae which the body of laws relating to Copyright in Nigeria has not provided for. Moreover, there are two major views on how Copyright protection and Copyright laws developed in Nigeria. The first view explains that it originated from the influence of foreign political and economic forces. This view traces its origin and development to the extension of the English Copyright Act, 1911, to Nigeria under a colonial government.^[15] The second view has it that Copyright had long existed even

before colonialism. Proponents of this view draw from the fact that in some ancient Nigerian cultures, dancers and singers paid tribute to their predecessors in the trade before they commenced performance.^[16] Although this is, indeed, arguable, none can, however, deny that Nigeria's development of Copyright laws is linked to Britain and its colonial rule over Nigeria. Thus, the first view will be discussed broadly.

The development of copyright law in Nigeria drew heavily from British practices, particularly the monopoly granted to the Stationers' Company, which controlled access to and ownership of books. This system influenced Nigeria's approach to copyright during the colonial era. In those days, copyright was not about protecting creators or valuing their work. It was about control. Under British colonial rule, laws like the Stationers' monopoly were imposed, prioritizing censorship and ownership over creative freedom. These laws were never meant to protect Nigerian creators—they were designed to serve British interests.^[17]

A significant turning point came with the introduction of the Statute of Anne in 1710, which is recognized as the first modern copyright law. It granted authors exclusive rights to their works for a limited period, laying the foundation for copyright protection that later extended to British colonies like Nigeria. The Copyright Act of 1911 was subsequently applied to Nigeria, covering various creative works, including literature and art. However, this Act had limitations, such as short copyright durations and inadequate provisions for indigenous and cultural works.

Following Nigeria's independence, efforts were made to develop a copyright framework suited to the country's unique cultural and economic needs. The Copyright Act of 1970 marked an important step in this direction, though it still retained significant influences from British law. Over time, the need for modernization became evident, particularly in light of global digitization, evolving creative industries and technological advancements. In March, 2023, the Copyright Act 2022 was enacted to bring Nigeria's copyright laws in line with international standards, to recognize the rights of creators and to enhance the capacity of the NCC to enforce the provisions of the Act. This remains the current law regulating Copyright protection in Nigeria.

Current Copyright Law Framework in Nigeria.

Nigeria has demonstrated a strong commitment to safeguarding intellectual

property by formally committing to uphold a variety of international copyright treaties. These include foundational agreements like the Berne Convention, which was established in 1886, aiming to protect the rights of authors and their creative works, and to also grant creators the authority to control the use of their intellectual property. Modern instruments such as the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, both open for signature since 1966 and effective as of 2002, have also been adopted and they seek to address the evolving challenges of the digital age. The former focuses more on the protection of authors' and creators' rights, while the latter is more concerned with the rights of performers and producers of phonograms.

To further demonstrate Nigeria's dedication to ensuring comprehensive protection, she signed in 1952 the Universal Copyright Convention (UCC). This Convention provides an alternative framework for copyright protection, particularly for countries that are not members of the Berne Convention. Additionally, in 1995, Nigeria became a signatory to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which establishes minimum standards for copyright protection among World Trade Organization member nations.

At the heart of Nigeria's commitment to safeguard intellectual property lies the Nigerian Copyright Act of 2022. This Act is regarded as the primary legal framework governing copyright in Nigeria. The effect of this Act is not only to strengthen the nation's legal framework but to also ensure the practicality and enforceability of Copyright laws through the establishment of the Nigeria Copyright Commission (NCC). This body is then tasked with the responsibility of regulating Copyright laws and enforcing them in the country.

Technological Advancements and its Impact On Copyright (Summarily)

The heritage of a nation remains the creativity of its citizens, and therefore one of the primary functions of law is to protect the ingenuity and innovation of the citizenry. Thus, the dictum of Belgore J. in *Oladipo Yemita v. The Daily Times Nigeria Ltd*^[18] is very apt. Belgore maintained: "*The right of a man to that which he had originally made is an incorporeal right and must be protected.*" The impact of copyright in Nigeria has been duly appreciated by right holders due to the right and protection given to their works. However, the advent of digital technology has created a lacuna in the right-holders' heart due to the lack of assistance from the present Copyright act.^[19]

Since the advent of digital technology, copyright infringement can take the form of file swapping, downloading, uploading, caching, browsing, mirroring, copying, pasting and scanning.^[20] Creators who operate in the digital environment have their works under serious threat as more sophisticated technologies evolve, aiding the infringement of works and at the same time shielding the perpetrators.^[21] In order to help matters, as technology continues to develop, it is essential to ensure that copyright laws are adapted to meet the needs of creators, users, and society as a whole.

Cultural Perspective of the Influence of Technological Advancements on Copyright

Copyright is an important part of cultural policy, but because of its technicality, the copyright system is often poorly understood, including by some who are most involved in it, such as artists. The copyright system's importance for society as a whole and, in particular, for a thriving cultural background should not be underestimated.^[22]

What is copyright and how does it influence culture?

Copyright is an essential part of intellectual property rights that protect the rights of authors who are the creators of original works in the field of literature and the arts (including written works, musical compositions, and works of visual arts and other creations of the mind). In a broader sense, copyright also includes the so-called related or neighboring rights: the rights of performers, producers of phonograms or films, and creators of databases. The right holders, or those to whom the rights have been transferred, have the exclusivity on some uses of the works defined by law, in particular copying and distribution. This enables authors to control and obtain reward from the use of their creative works, as well as prohibit unauthorized use of it.^[23]

Copyright is at its core a legal construct: it is an extension of the right of property to ideas once they have been expressed and become “works”. It is a legal recognition of the importance of creation, not only its economic importance, but also the importance of authorship since copyright also includes “moral rights” (such as the right to see a work attributed to its author and the right to the integrity of the work). It provides an additional motivation for artistic endeavours, a market-based reward. However, a malfunctioning copyright system or too tight copyright protection might hamper creation.

Copyright protection, for example, should not result in a prohibition of “follow-on creation”, meaning creation based on past works. Moreover, as creativity finds new supports, technologies develop, and creation and distribution processes change, the copyright system too must evolve. A functioning copyright system needs to be based on a profound and up-to-date understanding of value creation processes as well as the roles of their actors.

Finally, the last aspect of copyright is not the least important: the point of view of access. Culture is a common good, and even if culture is of course much larger than the sum of copyright-protected works, every work that is left inaccessible because of restrictions created by copyright limits public access to the cultural heritage. Copyright creates an exclusion mechanism to limit the ability of individuals to exploit creative works, but in order for the ideas themselves to remain public and for the public to be able to access and enjoy culture, the scope of these restrictions has to be carefully adjusted. This can be achieved through various means, including a carefully designed scope of protectable subject matter, a limited term of protection that will allow for a strong public domain, appropriate limitations, exceptions and exemptions that allow certain uses without authorization by the right holders, as well as systems of licensing that will promote the access to cultural works, for example, through libraries, museums or in education.^[24] In essence, in a bid to protect copyrights of owners from infringement, the culture on the other hand should not suffer from these excessive restrictions on copyrights. These restrictions could lead to limited access to knowledge and cultural works. Not only that, excessive protection can also stifle creativity by preventing artists from building upon works or using familiar themes and ideas.

Effects of Technological Advancements on Copyright in Nigerian Culture

Technology advancing at such a rapid rate is inevitably going to have its effects, one of which is on the culture of the people. AI, for one, is now capable of creating music, paintings, and even full-length novels within seconds. This raises a serious cultural concern: what happens to the value of art when it no longer requires human effort, deep thought, or years of practice? Take, for example, the Nok art of Nigeria or the Benin Bronzes—these were not just random sculptures. They were the products of a rich cultural heritage, passed down through generations, requiring immense skill, patience, and creativity.^[25] These artworks were painstakingly crafted over weeks, months, or

even years, making them priceless not just in terms of material but in cultural significance. Now, with AI, a similar-looking sculpture could be generated in minutes with a 3D printer. But does that make it real art?

This shift affects more than just traditional artists; it affects the culture that values these works. When AI can easily replicate artistic styles, it starts to strip away the authenticity and emotional depth that come with human-made art. Worse, it reduces the incentive for people to learn traditional skills. Why spend years mastering sculpture, painting, or music composition when AI can do it instantly? If this trend continues, we might see a future where cultural heritage is no longer preserved by human hands but is instead simulated by machines. Art loses its soul when it becomes just another algorithm. The challenge now is finding a way to integrate AI into art without allowing it to erase the depth, passion, and craftsmanship that define cultural creativity.

Furthermore, the internet has also made it easier than ever for people around the world to experience different cultures. Music, fashion, dance, and even sacred traditions are now shared globally with just a click. But there's a big difference between appreciating a culture and profiting off of it without respect—this is where cultural appropriation comes in. For example, indigenous African patterns, Native American headdresses, or Indian henna designs have deep historical and spiritual meanings. Yet, major fashion brands often use these elements in their collections without giving credit or compensating the communities they originated from. When cultural symbols are treated like mere aesthetic trends, their true meaning is diluted, and the people who originally created them are often left out of the conversation.

At the same time, cultural exchange is natural and has been happening for centuries. When done with respect and acknowledgment, it leads to innovation and cross-cultural understanding. For instance, Afrobeat music has gained worldwide recognition,^[26] but artists like Beyoncé and Burna Boy have actively credited its African roots rather than claiming it as their own creation. This is a model of cultural appreciation, where global exposure benefits both the original culture and those who enjoy it.

The key issue is power dynamics: who is profiting from the exchange? Who is being acknowledged? If traditional artisans struggle to make a living while multinational companies mass-produce versions of their work for profit, that's not exchange—it's exploitation.

Economic Perspectives of the influence of Technological Advancement on Copyright

Are economic benefits the major reason for Copyright protection and laws in Nigeria? Or is financial gain the primary rationale for the existence of copyright law in Nigeria? These questions are indeed unavoidable when it comes to analyzing Copyright laws in the country. Some still argue that aside from economic benefits and financial gains of the creators, that Copyright protection also exists to entitle creators to some moral rights. Moreover, it is arguable that the dominant narrative on the purpose of Copyright law in Nigeria hinges on the financial rewards ideology approach to copyright.^[27]

Copyright protection is fundamentally rooted in the economic benefits it guarantees creators by granting them exclusive control over their intellectual property. By allowing creators to authorize or prohibit uses such as reproduction, broadcasting, public performance, or online distribution, copyright ensures they can derive financial rewards from their work. These rewards are critical not only as compensation for their creativity and investment but also as incentives to foster further innovation and artistic expression. For instance, an author benefits not only from book sales but also from movie adaptations, licensing deals, and related merchandise, showcasing the far-reaching economic potential of copyright protection.

In Nigeria, where creative industries like Nollywood and Afrobeats significantly contribute to the economy, safeguarding these economic rights is vital. Technological advancements, however, have transformed how works are produced, consumed, and monetized, creating both opportunities and challenges. Digital platforms enable broader reach and new revenue streams, yet they also facilitate piracy and unauthorized use. Thus, understanding the economic impacts of these advancements is crucial for tailoring copyright protections that secure creators' financial interests while driving the growth of Nigeria's creative economy. This is what will be considered under this heading.

How Technology Has Changed Copyright Economics

Technological advancements, particularly digital technology and the internet, have fundamentally reshaped copyright economics. While these changes have made it easier to create, distribute, and monetize creative works, they have also introduced new challenges related to piracy, enforcement, and fair compensation for creators. The tension between protecting intellectual

property rights and promoting broader access to content is at the heart of modern copyright debates. Some of these effects and changes include:

a. The Ease of Copying and Distribution:

Before the emergence of some advanced digital technology, copying a book, song, or movie required significant effort and resources. Making a copy of a vinyl record or VHS tape involved physical duplication, which was time-consuming and costly. Ironically, today, with a simple click, an entire movie, book, or album can be copied and shared worldwide in seconds. In other words, digital technology allows for near-perfect replication and rapid dissemination of copyrighted works, making copyright infringement more prevalent and potentially reducing revenue for creators.^[28] In the early 2000s, peer-to-peer (P2P) file-sharing networks like Napster, LimeWire, and BitTorrent made it easy for users to share music and movies illegally. A teenager in one country could upload a copyrighted song, and within hours, it could be downloaded by millions worldwide, without the artist or record label earning a cent. This widespread, unauthorized distribution affects revenue streams, as consumers who might have paid for content now access it for free.

b. Lower Costs of Production and Distribution:

While piracy is a major challenge, digital technology has also lowered the barriers to entry for creators. Producing music, writing a book, or making a short film used to require expensive studio time, professional equipment, and physical distribution networks. Now, artists can record songs on a laptop, self-publish books via platforms like Amazon Kindle Direct Publishing, or distribute films via YouTube and VVimeo. This democratization of content creation has two major effects:

i. It allows more people to participate in creative industries. Independent musicians, filmmakers, and authors can now reach global audiences without needing traditional publishers or record labels.

ii. However, the increased volume of content can saturate the market, making it harder for any single creator to stand out or earn substantial revenue.^[29]

A scenario will better illustrate this. Imagine two musicians. One spends ₦100,000 recording an album in a professional studio, while another records a similar-quality album at home for free using software like BandLab. In a

digital marketplace where both albums are available on streaming platforms, the traditional cost advantage of major labels is significantly reduced.

c. The Rise of New Business Models:

In response to digital piracy, content industries have adapted with new monetization strategies. Instead of relying solely on direct sales, creators and companies now generate revenue through subscription services, ad-supported platforms, micro-transactions, pay-per-view access, allowing for more flexible copyright licensing and revenue streams.^[30] For example, in the music industry, streaming services like Spotify and Apple Music use a subscription model, allowing users to access vast music libraries legally rather than downloading pirated copies. Similarly, in the film industry, platforms like Netflix and Disney+ have moved audiences away from illegal downloads by offering convenient, legal streaming options.

While these models provide revenue, they also introduce new debates about fairness. For instance, artists often receive fractions of a cent per stream, leading to concerns about whether streaming platforms fairly compensate creators.

d. Challenges in Copyright Enforcement:

Policing copyright violations in the digital age is extremely difficult because:

i. The internet is decentralized, meaning pirated content can be uploaded on one website and quickly spread across multiple platforms. Locating the origin of such content will, therefore, prove almost impossible.^[31]

ii. Copyright enforcement is expensive and time-consuming, requiring companies to monitor piracy, issue takedown requests, and pursue legal action.^[32]

It was due to these enforcement issues that Nigeria's most recent Copyright Act has as one of its aims to provide for the capacity of the Nigerian Copyright Commission to effectively enforce Copyright laws. However, despite these efforts there still remains a grave issue of enforceability.

e. The Impact on Specific Industries:

While all creative industries have been affected, the following have been hit harder than others:

i. Music Industry: The rise of digital piracy in the late 1990s led to a massive decline in CD sales, forcing record labels to adapt to streaming models.

ii. Film & TV: Illegal streaming sites and torrents have cost the industry billions, though services like Netflix and Disney+ have helped curb some piracy.

iii. Publishing: E-books and audio-books have made books more accessible, but also more vulnerable to unauthorized sharing.

iv. Software Industry: Companies now use subscription-based models (e.g., Adobe Creative Cloud, Microsoft 365) instead of one-time purchases to reduce piracy.

The digital revolution has transformed copyright economics, bringing both opportunities and challenges. While piracy remains a problem, new business models have created legal ways for consumers to access content. The key challenge moving forward is finding a balance—ensuring creators are fairly compensated while keeping creative works accessible to the public. Governments, industries, and consumers all play a role in shaping the future of copyright in the digital age.

Examination of specific Industries affected by Technological Advancements as it relates to Copyright Protection

The relentless pace of technological advancements has brought about profound changes across various industries, revolutionizing the way. As technology continues to evolve and improve, it's essential to explore the specific industries that have been significantly affected by these advancements. This examination will delve into the effects of technological innovations on select industries, including:

Music industry: Streaming and Copyright Challenges

Today, the success of an artist is largely determined by the number of streams or downloads their music has. We now live in an era, where Compact Discs (CDs) and vinyl records have become almost obsolete; the world of music has gone digital. Streaming services have become a significant method of determining the growth of any artist in the music industry, leading to copyright infringement, also known as piracy. Illegal downloads and piracy have become a menace to society and continues to affect the growth and development of our

music industry negatively.^[33]

In any musical work, there are two forms of copyright; composition (lyrics and melody), and sound recording/ masters: (the actual audio recording of the performance of a song). This means that in every song, it is possible to have multiple copyright owners, which, in turn, allows each owner the right to monetize their copyright and maximize earnings. Digital streaming platforms further allow for such monetization of rights, thereby creating various revenue streams for each rights owner.^[34]

With developing technology and the introduction of digital streaming platforms, there has been a significant shift from accessing music through CDs, vinyl records or the radio to streaming platforms such as Boomplay, Apple Music, Spotify and Tidal, to name a few.

The development and introduction of the streaming technologies facilitates has led to the wrongful exploitation of copyright as well as the unauthorized use of copyright in music. This is because infringers are developing more sophisticated ways of reproducing, re-distributing and re-transmitting copyrighted content, thereby making it increasingly difficult to curb such unauthorized use of copyrighted content.

The Copyright Act provides that any use of a literary, artistic or musical work without the authorization of the copyright owner is an act of infringement. Such infringement occurs when a copyrighted work is reproduced, distributed, performed, publicly displayed without the express authorization of the copyright owner. Illegal uploading or downloading of content occurs when an individual is able to access copyrighted files which have been uploaded on sharing platforms without the permission of the copyright owner, who may be a record label or an artist. Such activity constitutes a form of copyright infringement pursuant to the Act.

The unauthorized use of copyright affects the ability of any rights owner to adequately maximize and monetize their ownership rights. This leakage is particularly detrimental to Nigerian artists because, unlike other jurisdictions where streaming revenues and other forms of exploitation of their intellectual property assets form a large portion of their earnings, Nigerian artists are, currently, forced to rely heavily on other forms of income such as corporate sponsorship contracts, paid performances, concerts, other forms of paid personal appearances and ringtone sales.

The Nigerian Copyright Commission (NCC) has been empowered by the Act

to monitor and regulate and protect the activities of all copyright holders. The NCC has pursued several initiatives to clamp down on copyright infringement such as The Strategic Plan Against Piracy (STRAP) and Copyright Litigation and Mediation Program (CLAMP). The STRAP anti-piracy initiative was aimed at three strategic platforms: public enlightenment and education; enforcement; and rights administration. However, even with enforcement, without the structures in place to quickly and efficiently adjudicate the infringement, rights holders are, to a large degree, still left without restitution. To address this, CLAMP, a component of STRAP, has given small rights owners the opportunity to negotiate out-of-court settlements and licenses with infringers. In one year, CLAMP mediators successfully settled eleven cases out-of-court. Between May 2005 and May 2007, the activities of the NCC under the STRAP and CLAMP initiative, yielded the seizure of 8,346,815 pirated works and the public destruction of seized counterfeit products with an estimated market value in Nigerian Naira 1,263,000,000 (US\$10,710,000).^[35] Irrespective of this, there still seems to be little motivation in the legislature to ensure that these proposed changes are adopted, and the industry is properly regulated.

Film and television: Piracy and Distribution Models

With the evolution of advanced technology and the ensuing mass proliferation of products, as well as processes used in the entertainment industry, new concerns about piracy and intellectual property theft emerged. The entertainment industry is fiercely competitive, and many entertainment businesses and artists can be financially ruined or have their contributions, lifework, and intellectual property stolen or misused by unauthorized parties. Despite the many actions taken by the sector and law enforcement agencies to control piracy, this activity threatens their careers and the profitability of the industry.

A variety of methods are used by the industry to deliver audiovisual content, ranging from the more traditional means through cable, broadcasting, and home video options to the employment of advanced technology like satellite systems, high-speed internet, and interactive television. Due to the development of enhanced technology, digitized movies, music, and games are more accessible to the general public. Illegal file-sharing as well as streaming websites put copyrighted entertainment files at risk by being available to an

unlimited number of current and future internet users. The unauthorized downloading of copyrighted music, movies, and games via file-sharing applications is deemed to be one of the primary threats to the entertainment industry.^[36]

Recommendations and way forward for future Copyright Legislation

a. Promoting understanding of copyright issues:

Undergraduate students may infringe on copyright law if copyrighted works are reproduced, distributed, performed, publicly displayed, or made into a derivative work without the permission of the copyright owner. This is to show that knowledge about copyright is important to be understood by the students to avoid their involving themselves in that illegal act.^[37] Students are exposed to day-to-day copyright infringements particularly involving submission of assignment, project work or even in the writing of essays. To curb this, it is recommended that students should be exposed to the awareness of what it entails to infringe on a person's copyright, plagiarism and other related contents. Also, the students can also be taught on how to write properly and make a plagiarism free submission on any assignment or project, majorly by making reference to the original source.

b. Encouraging responsible content creation and sharing:

With the ubiquity of social media platforms, copyright infringement has become a rampant issue for content creators and brand owners. From unauthorized sharing of copyrighted material to reproducing logos, or slogans without permission, social media provides ample opportunities for intellectual property violations. To protect themselves, social media content creators and influencers must understand the laws around copyright and how to enforce their rights on these platforms^[38] without infringing on the owner's rights.

In understanding the laws around copyright, PART II of the Copyright Act 2022 provides some exceptions to copyright. Though they stand as exceptions, the rights of the copyright owners are still in one way protected. The implication of this exception is to encourage responsible file sharing, and in some cases, content creation. From the provisions of some part of PART II of the Copyright Act, 2022, the following can be deduced as a way to curb copyright infringement in relation to social media content creation

Under Section 20 of the Copyright Act, 2022, there is an exception known as

“fair dealing” which permits limited use of copyrighted works without permission from the rights holder for purposes such as:

- (a) private use;
- (b) parody, satire, pastiche, or caricature;
- (c) non-commercial research and private study;
- (d) criticism, review or the reporting of current events, subject to the condition that, if the use is public, it shall, where practicable, be accompanied by an acknowledgment of the title of the work and its author except where the work is incidentally included in a broadcast. Thus, quoting or excerpting parts of a work for criticism, commentary, news reporting, teaching, and research may qualify as fair use.

However, there are several factors under that same provision which ought to be considered in determining whether the use of any work in any particular case is fair dealing.

Other ways to curb Copyright infringement in social media content creation are:

i. Obtaining (Request) Permission

If use of a work does not fall under fair use, permission must be obtained from the copyright owner before sharing or posting the work on social media. Copyright holder(s) can grant permission for use of copyrighted material through a license agreement. Some works may be in the public domain, meaning the copyright has expired and they can be used freely. However, it is best to verify the copyright status of a work before assuming it is in the public domain.

ii. Monitoring and Enforcement

Brands and content creators should regularly monitor social media for instances of violations of copyright rules involving their intellectual property. If unauthorized use of an original work is discovered, the rights holder can issue a takedown notice to the platform requesting that the infringing content be removed. For severe or repeat offenses, legal action like a cease-and-desist letter or lawsuit may need to be pursued to enforce one's copyright.

By understanding copyright law and best practices on social media, users and brands can take appropriate steps to both protect their own intellectual property and avoid infringing on the rights of others. With cooperation and vigilance, social media platforms do not have to be a breeding ground for copyright issues – namely, theft, misuse.

Conclusion

This article has examined the influence of technological advancements on copyright, considering both cultural and economic perspectives. We traced the history of copyright law in Nigeria, examined how digitization, AI, social media, and streaming services have changed the game, and highlighted the challenges of piracy and unauthorized use. Although technology has opened up new opportunities for creators to share and profit from their work, it has also made copyright infringement easier and enforcement much harder.

From our discussion, it is clear that Nigeria's copyright laws, though enacted in 2022, still have a long way to go in addressing the realities of the digital age. We have seen how industries like music and film have been hit hard by digital piracy not minding the availability of laws, affecting revenue streams and making it difficult for artists to earn from their work. At the same time, the article has argued for reforms, such as strengthening copyright enforcement, promoting public awareness, and updating legislation to reflect modern challenges. It cannot be denied that technology is shaping the creative industry, but while it does, it is essential to strike a balance between protecting creators' rights and ensuring public access to knowledge and culture. The future of copyright in Nigeria depends on laws that keep up with the times, better enforcement strategies, and a joint effort from policymakers, industry players, and the public. Hopefully, the insights and recommendations from this article will help move the conversation forward and lead to a copyright system that works for everyone.

Endnotes:

¹Copyright law faces three immediate problems', UIC John Marshall Journal of Information Technology & Privacy Law, 20(3), pp. 347–350.
<https://repository.law.uic.edu/cgi/viewcontent.cgi?article=1452&context=jitpl>, accessed 28th December 2024.

² Black Law's Dictionary 6th Edition page 336

³ World Intellectual Property Organization (2016) Understanding copyright and related rights. 2nd edn. Geneva: WIPO.
https://www.wipo.int/edocs/pubdocs/en/wipo_pub_909_2016.pdf, accessed: 29 December, 2024

⁴ Ibid

⁵ World Intellectual Property Organization, 'Copyright'. Available at:
<https://www.wipo.int/en/web/copyright>, accessed 29th December, 2024

⁶ DO Orjiakhogba, and IA Olubiyi, *Intellectual property law in Nigeria: Emerging trends, theories, and practice*, (2nd edn. Pacerd Press Limited 2023)

⁷ Ibid

⁸ N Duggal (2024) '25 new technology trends for 2025', Simplilearn, 17 December. <https://www.simplilearn.com/top-technology-trends-and-jobs-article>, accessed 31 December, 2024

⁹ Business Sweden, 'New opportunities in Nigeria's booming tech industry'. <https://www.business-sweden.com/insights/articles/new-opportunities-in-nigerias-booming-tech-industry/>, accessed 30 December, 2024

¹⁰ Ibid

¹¹ NA Ighu and OE Anyanor(2023) 'The impact of technology and the use of the internet on copyright enforcement in Nigeria', *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, 14(2), pp. 1–12

¹² Ibid

¹³ DO Oriakhiogba, and AI Fenemigho, 'Development, concept and scope of copyright protection in Nigeria: An overview', *Nigerian Association of Law Teachers Journal of Intellectual Law* 2014, pp. 179–191

¹⁴ Ibid

¹⁵ DO Orjiakhogba, and IA Olubiyi, *Intellectual property law in Nigeria: Emerging trends, theories, and practice*, (2nd edn. Pacerd Press Limited 2023)

¹⁶ Ibid

¹⁷ Ibid

¹⁸ [1980] F.H.C.R. 186 at 190

¹⁹ HP Faga and O Ngozi (2011) 'Limits of copyright protection in contemporary Nigeria: Re-examining the relevance of the Nigerian Copyright Act in today's digital and computer age',

NnamdiAzikiwe University Journal of International Law and Jurisprudence, 2, pp. 19–29.
<https://www.ajol.info/index.php/naujilj/article/view/82405/72560>, accessed 4 January, 2025

²⁰ CC Nwabauli, and NN Udeoji (2021) 'Nigerian copyright system in the modern age and its implications', *NnamdiAzikiwe University Journal of International Law and Jurisprudence*, 12, pp. 72–73

²¹ K Dawar, et al. (2021) 'Copyright protection in the digital era', International Advanced Research Journal in Science, Engineering and Technology, 8(6), pp. 611–616

²² N Lefever (2017) 'How does copyright affect culture?', Cupore, 12 September. Available at: <https://www.cupore.fi/en/newsroom/how-does-copyright-affect-culture/>, accessed 4 January, 2025

²³ Ibid

²⁴ Ibid

²⁵ Akinbode, A. (2024) 'The Benin Bronzes: Successors of the Nok Terracotta', HistoryVille, 30 September.
<https://www.thehistoryville.com/benin-bronzes/>, accessed 7th January, 2025

²⁶ E Allen (2024) 'The unstoppable rise of Afrobeats', African Business, 17 July. <https://african.business/2024/07/arts-culture/the-unstoppable-rise-of-afrobeats>, accessed 8th January, 2025

²⁷ J Ogoroh, (2021) 'The purpose of copyright law in Nigeria: The need for a balanced approach', Afronomicslaw, 30 November.
<https://www.afronomicslaw.org/category/analysis/purpose-copyright-law-nigeria-need-balanced-approach>, accessed 8 January, 2025.

²⁸ HP Faga, and O Ngozi, 'Limits of copyright protection in contemporary Nigeria: Re-examining the relevance of the Nigerian Copyright Act in today's digital and computer age', *NnamdiAzikiwe University Journal of International Law and Jurisprudence* (2011), 2, pp. 19–29.
<https://www.ajol.info/index.php/naujilj/article/view/82405/72560>, accessed 8 January, 2025

²⁹ National Research Council (2013) 'Copyright law and economics in the digital era', in Copyright in the Digital Era: Building Evidence for Policy. Washington, DC: National Academies Press.
<https://nap.nationalacademies.org/read/14686/chapter/4>, accessed 9th January, 2025

³⁰ European Audiovisual Observatory (2014) 'The influence of new technologies on copyright', IRIS plus, 2014-4.
<https://rm.coe.int/1680783da5>, accessed 10th January, 2025

³¹ OA Olatunji, (2018) 'Copyright infringement in Nigeria: The efficacy of the Copyright (Optical Disc Plant) Regulation', Library

Philosophy and Practice.

<https://digitalcommons.unl.edu/libphilprac/13905/>, accessed 11 January, 2025

³² Ibid

³³ OA Olatunji (2018) 'Copyright infringement in Nigeria: The efficacy of the Copyright (Optical Disc Plant) Regulation', Library Philosophy and Practice.

<https://digitalcommons.unl.edu/libphilprac/13905/>, accessed 12 January, 2025

³⁴ Ibid

³⁵ Ibid

³⁶ Aithor (2024) 'The impact of piracy on the entertainment industry'.

<https://aithor.com/essay-examples/the-impact-of-piracy-on-the-entertainment-industry>, accessed 13th January, 2025

³⁷ MohdPadil, H., & others (2020) 'Awareness on copyright among students'.

Proceedings: International Invention, Innovative & Creative (InIIC) Conference, Series 1/2020, eISBN: 978-967-17324-8-9, MNNF Publisher.

https://www.researchgate.net/publication/344151791_Awareness_on_Copyright_among_Students, accessed 15 January, 2025

³⁸ ABOU NAJA Intellectual Property (2024) 'Copyright infringement on social media: how to prevent', ABOU NAJA Intellectual Property, 25 April. Available at: <https://abounaja.com/blog/copyright-infringement-on-social-media>