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Copyright is an exclusive right granted to authors and owners (writers, artists, music composers, etc.) on their creations. Such creations are usually described as “works”. Copyright is granted in the form of a monopoly to authors (writers, artists, music composers, etc.) on their creations. Copyright Protection is provided for under the Copyrights Act, LFN 2004, and is administered by the Nigerian Copyright Commission.

Copyright protection contributes to innovation and creativity by granting economic and moral incentives to creators. A creator is assured that his/her works can be disseminated without fear of unauthorized copying or piracy. This in turn helps increase access to the works and enhances the enjoyment of culture, technology, knowledge, and entertainment all over the world.

Protected Works

Works covered by copyright include, but are not limited to, literary works such as novels, poems and plays; reference works such as encyclopedias and dictionaries; databases; software and computer programs; newspaper articles; films and TV programs; musical compositions; choreography; artistic works such as paintings, drawings, photographs and sculptures; architectural drawings and plans; and advertisements, maps and technical drawings.

Copyright, it is often said, does not extend to ideas, but only to the expression of these ideas. For example, the idea of taking a picture of a sunset is not protected by copyright. Therefore, anyone may take such a picture. But a particular picture of a sunset taken by a photographer may be protected by copyright. In such a case, if someone else makes copies of the photograph, and starts selling them without the consent of the photographer, that person would be violating the photographer's rights.

Copyright protection in Nigeria is obtained automatically without any need for registration or other formality. A work enjoys protection by copyright as soon as it is created provided that it is sufficiently original and is fixed in a definite medium for example, a book, cd, tape, etc.

Copyright Registration

The Nigerian Copyright Commission currently provides for the optional registration and deposit of works Copyright Notification Certificate to facilitate financing transactions, sales, assignments and transfers of rights, questions involving disputes over ownership or creation.

Copyright Owners enjoy 2 classes of rights

(a) Economic rights, which allow the owner to derive financial reward from the use and exploitation of the work. An author may authorize or prohibit the reproduction in various forms, - distribution, public performance, broadcasting and communication to the public, translation into other languages; adaptation.

Many creative works protected by copyright require financial investment and professional skills for their production, dissemination and mass distribution. Activities such as book publishing, sound recording or film producing are usually undertaken by specialized business organizations or companies, and not directly by the authors. Usually, authors and creators transfer their rights to these companies by way of contractual agreements, in return for compensation.

The compensation may take different forms, such as lump sum payments, or royalties based on a percentage of revenues generated by the work.

Many authors do not have the ability or the means to manage their rights themselves. They often resort to collective management organizations or societies which provide for their members, the benefits of the organization's administrative and legal expertise and efficiency in collecting, managing and disbursing royalties. These royalties are obtained from the national and international use of a member's work on a large scale, by, for example, broadcasting organizations, discotheques, restaurants, libraries, universities and schools.

(b) Moral rights highlight the personal link between the author and the work: the right to have authorship recognized on the work, the right to object to the work being modified, or being used in contexts that may cause harm to the reputation or honor of the author.

About Us (IPLAN)

IPLAN is the frontline association of lawyers focusing on intellectual property issues of both national and international impact. IPLAN is constituted by lawyers, judges, policymakers,

academics, practitioners and Law Students involved directly or indirectly in the practice of patent, industrial design, trademark, copyright, trade secret, and unfair competition law; as well as other fields of law affecting intellectual property.

MEMBERSHIP

Membership of IPLAN is open to Lawyers interested in Intellectual Property law in Nigeria. Intending members must be of good character and in good standing within the legal profession.

CONTACT US

Phone: 0806 623 4947

Abuja Address: First Floor Machima Plaza, Mambolo Close, off Mambolo Street, Wuse Zone 2, Abuja, FCT.

Lagos Address: 41B, Hillview Estate, Ogudu GRA, Ogudu Road, Lagos, Nigeria.

Email: info@iplan.org.ng

Website: www.iplan.org.ng