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Challenges of Copyright Inspectors in the Fight against Copyright Piracy in Nigeria

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Abstract

This paper critically assessed the role of copyright inspectors in combating copyright piracy in Nigeria, situating their functions within the broader framework of intellectual property enforcement. The primary aim is to evaluate the effectiveness, challenges, and prospects of copyright inspectors' activities in reducing piracy and promoting respect for copyright laws. Specifically, the objectives include examining the legal mandate of copyright inspectors, identifying operational constraints, and exploring strategies for strengthening enforcement mechanisms. The research underscores the fact that despite the Copyright Act and the establishment of regulatory bodies, Nigeria continues to grapple with high levels of copyright infringement, which undermine the creative industry and economic development. The doctrinal research methodology was adopted, which focused on existing legal texts, statute and case law. The findings reveal that copyright inspectors play a pivotal role in raids, seizures of pirated materials, and public sensitisation campaigns. However, their efforts are hampered by inadequate funding, logistical constraints, corruption, and limited inter-agency cooperation. Notably, stakeholders perceive enforcement as sporadic rather than systematic, with prosecutions rarely resulting in deterrent penalties. The study recommends improved budgetary allocations, capacity-building programmes, and the deployment of technology-enabled tracking systems to improve efficiency. Furthermore, it advocates legislative reforms to empower copyright inspectors with broader investigative powers and to impose stiffer penalties on offenders. The conclusion affirms that while copyright inspectors are indispensable to the fight against piracy, a multifaceted and well-resourced enforcement framework is essential for reasonable progress.

Keywords: Copyright, Copyright Piracy, Copyright Inspectors, Combating and Penalties.

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1. Introduction

Copyright piracy has remained a pervasive and deeply entrenched challenge within Nigeria's creative industries, undermining not only the economic interests of rights holders but also the integrity of the nation's intellectual property (IP) regime.¹ As the enforcement arm of Nigeria's

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¹ Copyright Act 2022, s 1(1)(a)-(d).

copyright system, copyright inspectors occupy a pivotal role in combating illicit reproduction, distribution, and commercialization of protected works. To effectively combat copyright piracy in Nigeria, the Copyright Act vests inspectors with statutory powers to monitor compliance, conduct inspections, seize infringing materials, and initiate prosecution against offenders.² Despite the existence of this legal framework, piracy persists on a significant scale, raising questions about the effectiveness, operational capacity, and institutional challenges faced by copyright inspectors in practice. A critical assessment of their role is therefore essential to understanding how regulatory enforcement shapes the broader fight against copyright piracy and to identifying reforms capable of strengthening Nigeria's IP protection landscape.³

2. Definition of Terms

2.1 Copyright

This is the exclusive legal right granted to the creator of an original work to reproduce, publish, or sell the works protected by copyright, which are literary, musical artistic, audiovisual, sound recording and broadcasts.⁴ Copyright is a proprietary right that may be assigned, transferred, or transmitted by testamentary disposition. It is an intangible and incorporeal right conferred by statute upon the author or originator of literary or artistic works, granting such author the exclusive privilege, for a specified duration, to reproduce, publish, and sell copies of the work.⁵

Copyright therefore confers upon the owner the exclusive authority to prevent or restrain unauthorised copying, printing, or any form of interference with the protected work. In *Adenuga v Ilesanmi Press & Sons Ltd*,⁶ the court held that copyright in eligible works consists of the exclusive right to control or authorise the performance of acts reserved solely for the copyright owner. However, copyright protection does not extend to mere ideas irrespective of their originality or value; rather, it protects the expression of such ideas once they are reduced into a definite and tangible form.⁷ Thus, copyright protection is concerned not with ideas themselves but with the particular arrangement or expression of words or creative content which demonstrates identifiable originality and permanence. The originality of a work must be established before such work can enjoy statutory copyright protection. However, once a work meets the originality test and permanence, it becomes eligible for copyright protection notwithstanding its quality or the purpose for which it was created.⁸ An artistic work shall not be eligible for copyright, if at the time the work is made, it is intended by the author to be used as an industrial design, as defined under the patents designs.⁹ The period of protection for these works are literary, musical or artistic works other than photographs, is seventy years after the end of the year in which the author dies.¹⁰ While audiovisual, sound recordings and broadcasts is fifty years.¹¹

² Ibid, s 1(1a).

³ J.O. Asein, *Nigerian Copyright Law and Practice* 2nd edn, (Books & Gavel Ltd 2012) 243–246.

⁴ Copyright Act 2022, ss. 2, 9–13.

⁵ Bryan A. Garner (ed.), *Black's Law Dictionary*, 11th ed. West Publishing, 2019.

⁶ (1991) 5 NWLR (Pt 189) 1.

⁷ Copyright Act 2022, s.2(2)(a) & (b).

⁸ Ibid, s.2(3).

⁹ Ibid, s.2(6).

¹⁰ Ibid, s.19(1)(a).

¹¹ Ibid, s.19(1)(d)-(e).

2.2 Copyright piracy

This refers to the unauthorized reproduction, distribution, or sale of copyrighted material in violation of the rights accorded to copyright owners.¹² Copyright infringement may take various forms including reproduction of copyrighted work in any material form, publication or distribution of infringing copies of a protected work, performance, communication, or display of the work to the public without permission, adaptation or derivative works without authorization, importation of infringing copies into Nigeria for commercial purposes and possession or dealing in infringing copies for sale, hire, or trade.¹³ The Act also criminalizes modern digital piracy including, bypassing copyright protection technologies, manufacturing or distributing tools used to defeat digital rights protection, and tampering with electronic rights management information.¹⁴ Copyright piracy manifests in various forms that disregard the exclusive rights of copyright owners and distort the legitimate market for creative works. The principal types include:

- a) **Softlifting:** Softlifting refers to the unauthorized installation of software on more devices than permitted under the license agreement. For instance, a single-user license may be installed on multiple computers in contravention of the licensing terms.¹⁵
- b) **Bootlegging:** Bootlegging occurs when live performances or broadcasts are recorded without authorization and subsequently sold or distributed. This often affects musicians, comedians, and broadcasters.¹⁶
- c) **Counterfeiting:** This involves reproducing and distributing copies of copyrighted works in a manner designed to deceive consumers by imitating the authentic product's appearance. Counterfeit products often include CDs, DVDs, books, and packaging materials.¹⁷
- d) **End-User piracy:** End-user piracy occurs when individuals or organizations reproduce or use copyrighted works without authorization, commonly through the use of cracked software or unlicensed copies for business operations.¹⁸
- e) **Hard disk loading:** Hard disk loading involves the sale of computers pre-installed with unlicensed copies of software, typically by computer
- f) **Internet piracy:** Internet piracy encompasses the unauthorized uploading, downloading, or distribution of copyrighted works via the Internet. This includes the use of peer-to-peer (P2P) networks and streaming services to share content illegally.¹⁹

¹² Ibid, ss.36(1)(a)-(g).

¹³ Ibid, ss. 9-13, 36(1),

¹⁴ Ibid, ss.50-53.

¹⁵ Wen-Bin Chiou, Peng-Hui Wan & Chin-Sheng Wan, 'A New Look at Copyright Piracy: Softlifting Primes an Inauthentic Sense of Self, Prompting Further Unethical Behavior', (2012) 70(2) *International Journal of Human-Computer Studies*, 107.

¹⁶ D. James, 'Publishing, Bootlegging, Piracy and the Public in Nigeria', (2021) 4(2) *International Journal of Social Science and Human Research*, 47.

¹⁷ K.M. Waziri, 'Intellectual Property Piracy and Counterfeiting in Nigeria: The Impending Economic and Social Conundrum', (2011) 4(2) *Journal of Politics and Law*, 96.

¹⁸ D. Banerjee & S. Poddar, 'Innovation and copyright infringement: The Case of Commercial Piracy and End-user Piracy', Economics Working Paper Series No. 2013/09, Auckland University of Technology (AUT), Faculty of Business, Economics and Law, Auckland, 2013, available at: <https://www.econstor.eu/handle/10419/242523>

¹⁹ J.O. Asein, *Nigerian Copyright Law & Practice* (Abuja: Nigerian Copyright Commission, 2012) 210.

- g) Client-server overuse: This happens when a business installs software on a server and allows more concurrent users to access the software than permitted by the license.²⁰
- h) Rental piracy: Rental piracy is the unauthorized commercial rental of copyrighted works such as videos, music, or software, which is prohibited without the right holder's consent.²¹
- i) Broadcast piracy: Broadcast piracy entails the interception, decoding, and redistribution of broadcast signals (e.g., satellite TV) without the broadcaster's approval.²²

2.3 Copyright inspectors

These are officials empowered by law to monitor, investigate, and enforce compliance with copyright regulations, including seizure of infringing materials and prosecution. Section 78 of the Copyright Act 2022 and related enforcement provisions deal with the powers of the Commission, including investigation and enforcement of copyright. The Commission is empowered to administer, regulate, and enforce copyright and investigate infringements. The Act allows the Nigerian Copyright Commission to appoint copyright inspectors as enforcement officers.²³ These inspectors help monitor compliance and enforce copyright laws, including investigating and prosecuting copyright infringement.

Copyright inspectors are given powers similar to those of police officers in copyright matters. These typically include, entering and inspecting premises suspected of copyright infringement, arresting persons suspected of committing copyright offences, conducting investigations and inquiries, requiring production of records or documents relating to copyright and prosecuting or assisting in legal proceedings for copyright offences.²⁴

2.4 Combating

The term 'combating' refers to the act of actively opposing, confronting, or striving to reduce or eliminate a problem, threat, or negative condition.²⁵ It is commonly used in legal and policy documents to describe efforts aimed at addressing issues such as corruption, crime, terrorism, or environmental hazards. In legal and regulatory contexts, 'combating' typically involves coordinated strategies, enforcement actions, legislation, and institutional mechanisms designed to suppress or eradicate undesired phenomena. For instance, when the law speaks of 'combating corruption', it implies a comprehensive approach that includes preventive, punitive, and corrective measures.²⁶

²⁰ C.C. Nwabachili, 'Copyright Industry and Response to Digital and Online Infringement; UK and USA Experience', (2020-2021) 3(1) *Chukwuemeka Odumegwu Ojukwu University Journal of Commercial and Property Law Journal*, 64.

²¹ D.S. Wilson, 'Software Rental, Piracy and Copyright Protection', (1984) 5 *Computer L.J.* 125.

²² B. Sodipo, 'Fracturing Constitutional Rights: The Prosecution of Alleged Broadcast Infringers in Nigeria', (2021) 65(1) *Journal of African Law*, 137.

²³ See s.86 of the copyrights Act 2022.

²⁴ Ibid. see also O.C. Nwachukwu & E.T. Omonemu, 'Role of Copyright Institutions and Enforcement Agencies in the Digital and Online Dissemination of Copyright Works', (2022) 13(3) *Beijing Law Review*, 594.

²⁵ B. Garner (ed.), *Black's Law Dictionary*, 11th edn (Thomson Reuters, 2019) 317; 'Combating', *Reverso Dictionary*, available at: <https://dictionary.reverso.net/english-definition/combating>

²⁶ U. Myin, 'Corruption: Causes, Consequences and Cures', (2000) 7(2) *Asia-Pacific Development Journal*, 33.

2.5 Penalties

'Penalties' refer to the punishments or sanctions imposed for the violation of laws, rules, or contractual obligations.²⁷ These may take the form of fines, imprisonment, forfeiture, or other legal disadvantages aimed at deterring wrongful conduct and ensuring compliance with legal or regulatory standards. In the context of law, penalties serve both retributive and corrective purposes, depending on the nature and gravity of the offence committed.²⁸ The Act has made provisions for civil, criminal and administrative remedies. Section 37 deals with civil remedies for infringement of copyright actionable at the instance of the copyright owner, assignee, or exclusive licensee. It provides reliefs such as damages, injunctions, accounts of profit, and additional damages where appropriate.²⁹ Section 44 provides for criminal liability for copyright infringement. It criminalises acts such as making, importing, or dealing in infringing copies and prescribes penalties like fines and imprisonment.³⁰ Section 47 allows simultaneous civil and criminal proceedings for the same infringement, while administrative/regulatory remedies are provided for in sections 38, 40, 53, 54 and 55 of the Copyright Act 2022.

3. Economic Threat of Copyright Piracy in Nigeria

Copyright piracy poses a significant economic threat to Nigeria's creative and knowledge-based sectors. Piracy undermines the legitimate market for creative works, erodes government revenue through tax losses, and discourages both local and foreign investment in the cultural industries.³¹ The Nigerian Copyright Commission (NCC) estimates that the country loses billions of naira annually due to copyright infringement, particularly in the music, film, publishing, and software industries.³²

One of the main economic consequences is the displacement of lawful sales by illegal copies sold at cheaper prices. This depresses income for copyright owners and reduces incentives for innovation and creativity.³³ The film industry, known as Nollywood, has been particularly vulnerable, with pirated DVDs and online downloads capturing a significant share of the market.³⁴ The International Intellectual Property Alliance has reported that piracy in Nigeria has stunted the growth potential of legitimate distributors, resulting in job losses and diminished export opportunities.³⁵

²⁷ Garner (n 25).

²⁸ I.K.E. Oraegbunam, 'Some Basic Principles of Penal Jurisprudence: An Analytical Approach', (2010) *Nnamdi Azikiwe Univ. J. Int'l L. & Jurisp.* 126.

²⁹ John Okoriko, 'Remedies and Defences for Copyright Infringement under the Nigeria Copyright Act Cap C28 Laws of the Federation of Nigeria 2004: A Comparative Analysis', (2025) 13(2) *Global Journal of Politics and Law Research*, 18.

³⁰ s.44(1) (prescribes a fine of N10,000 for every copy dealt with in contravention of the Act or imprisonment for a term of at least five years or both). The punishment for infringement under s.44(2) is N10,000 for every copy dealt with in contravention of the Act or imprisonment for a term of at least three years or both, while the punishment under s.44(4) is N1,000 for every copy dealt with or imprisonment for a term of at least three years or both.

³¹ OECD, *The Economic Impact of Counterfeiting and Piracy*, 2008, available at: https://www.oecd.org/content/dam/oecd/en/publications/reports/2008/06/the-economic-impact-of-counterfeiting-and-piracy_g1gh906c/9789264045521-en.pdf

³² Nigerian Copyright Commission, *Strategic Action Against Piracy (STRAP)* (Abuja: NCC, 2017) 4.

³³ OECD, (n 31)

³⁴ Nkem Itanyi, 'The Concept of Piracy in the Film Industry in Nigeria: Taking a Cue from Other Countries', (2022) 13(1) *European Journal of Law and Technology*, 45.

³⁵ International Intellectual Property Alliance, '2019 Special 301 Report on Copyright Protection and Enforcement' (IIPA, 2019) 122.

Piracy also deprives the government of customs duties and value-added tax that would otherwise accrue from legitimate transactions.³⁶ For example, counterfeit books and educational materials have flooded Nigerian markets, affecting not only publishers but also the educational sector that relies on quality materials.³⁷ Software piracy, which remains prevalent among both individuals and businesses, contributes to cybersecurity risks while depriving rights holders of revenue.³⁸ The persistence of piracy also damages Nigeria's international reputation and compliance with global intellectual property norms. This can affect the country's eligibility for certain trade benefits and foreign partnerships.³⁹ Consequently, piracy in Nigeria is not merely a legal or moral problem, it is a structural economic threat that undermines sustainable development.

4. History of the Role of Copyright Inspectors in the Fight Against Copyright Piracy in Nigeria

The history of copyright enforcement in Nigeria can be traced to the establishment and evolution of the Nigerian Copyright Commission (NCC) and its operational framework, which includes copyright inspectors.⁴⁰ The Copyright Act Cap C28 Laws of the Federation of Nigeria 2004 (now repealed and replaced by the Copyright Act, 2022) granted the NCC powers to appoint copyright inspectors as officers charged with enforcement of copyright law.⁴¹ The inspectors have historically been tasked with investigating copyright infringements, conducting raids, seizing pirated materials, and prosecuting offenders. In the early phase which is between (1989–1999), copyright inspectors began operation shortly after the Copyright Decree No. 47 of 1988 (which became the 1990 Act) was promulgated. Their primary role in this period was public enlightenment and *ad hoc* enforcement raids in Lagos, Ibadan, and Onitsha, major hubs for piracy.⁴² From 2000–2010 there was expansion and intensification with Nigeria's growing entertainment industry especially the rise of Nollywood piracy, which became more sophisticated.⁴³ Copyright inspectors expanded their operations nationwide, often in collaboration with the Nigerian Police, Nigeria Customs Service, and industry associations such as the Musical Copyright Society of Nigeria (MCSN).⁴⁴ Inspectors also supervised destruction of confiscated materials to deter offenders.

Recently, from 2011–2022 the copyright inspectors increasingly leveraged intelligence-led enforcement and digital forensics due to the shift to online piracy.⁴⁵ The NCC created specialized enforcement units to tackle piracy of films, music, and literary works.⁴⁶ The Copyright Act, 2022

³⁶ C. Fink, K.E. Maskus and Yi Qian, 'The Economic Effects of Counterfeiting and Piracy: A Review and Implications for Developing Countries', *The World Bank Research Observer* May 7, 2015.

³⁷ NCC, 'Piracy of Books in Nigeria: Implications for Education' (2016) NCC Policy Brief Series No 5, 2.

³⁸ Business Software Alliance, 'Software Piracy Rates in Nigeria' (BSA, 2018) 3.

³⁹ WIPO, *World Intellectual Property Report* (Geneva: WIPO, 2017) 98.

⁴⁰ Kunle Ola, 'Evolution and future trends of copyright in Nigeria', (2018) *Journal of Open Access to Law*, 1.

⁴¹ Copyright Act Cap C28 LFN 2004, s.38–39.

⁴² Nwogu, V.N., Copyright Enforcement in Nigeria: Appraisal of the Role of Copyright Inspectors, *Nigerian Journal of Intellectual Property Law*, Vol. 3, 2007, p. 42.

⁴³ O. Arewa, 'The Rise of Nollywood: Creators, Entrepreneurs, and Pirates', *SSRN Electronic Journal*, February 2012, DOI:10.2139/ssrn.2011980

⁴⁴ M. Ubani & O. Adeyemi, 'Collective Administration of Copyright in Nigeria', (2023) 2 Cavendish University Law Journal, 1

⁴⁵ I.U. Ibe & N.N. Udeoji, 'The Challenges and Prospects of Nigeria Copyright Administration in a Digital Artificial Intelligence Age', (2019) *Afe Babalola Univ. Law Journal*, 110; E.T. Giwa, 'Nollywood: A Case Study of the Rising Nigerian Film Industry- Content & Production', (2014) *Research Papers*. Paper 518. http://opensiuc.lib.siu.edu/gs_rp/518

⁴⁶ M.I.O. 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.

provides for the consolidation of the powers of copyright inspectors and reaffirmed their status as officers empowered to, enter premises with warrant, seize infringing copies, arrest offenders without warrant in certain circumstances and prosecute or assist in prosecution.⁴⁷ Section 86 of the Copyright Act, 2022 explicitly empowers inspectors as law enforcement officers for the purposes of copyright offences.⁴⁸ Between 2024 and 2025, which is the most recent event, specifically in June 2024, the Nigerian Copyright Commission, through its copyright inspectors, carried out a major enforcement operation in Alaba International Market, Lagos, seizing over (five hundred thousand) 500,000 pirated audiovisual works valued at over ₦2 billion.⁴⁹ This operation was applauded as the largest anti-piracy raid in Nigeria's history. The exercise included arrests of several major distributors of pirated Nollywood and international movies. This recent enforcement action underscores the continuing critical role of copyright inspectors in safeguarding intellectual property and supporting Nigeria's creative economy.

5. Causes of Copyright Piracy in Nigeria

Copyright piracy in Nigeria remains a pervasive challenge, undermining the creative industry and denying rights holders their lawful earnings. Several interrelated factors account for the persistence of this problem.

a) *Weak Enforcement Mechanisms*

One of the most significant causes is the inadequate enforcement of copyright laws. Although the Nigerian Copyright Commission (NCC) is empowered to investigate and prosecute infringers, it often suffers from limited resources, insufficient personnel, and logistical challenges, which hamper effective surveillance and prosecution of offenders.⁵⁰

b) *High Cost of Original Works*

The price disparity between genuine copyrighted materials and pirated alternatives fuels demand for pirated goods. Many consumers cannot afford authentic books, music, films, and software, and thus resort to cheaper pirated copies.⁵¹

c) *Pervasive Poverty and Low Purchasing Power*

The socioeconomic realities in Nigeria mean that a large segment of the population struggles to meet basic needs. The desire for affordable access to creative works, coupled with widespread poverty, sustains a thriving market for pirated materials.⁵²

d) *Technological Advancement*

Digital technologies and the internet have simplified the reproduction and dissemination of copyrighted works. High-speed copying equipment and online distribution platforms allow pirates to replicate and circulate protected content on a vast scale with relative anonymity.⁵³

⁴⁷ Copyright Act, 2022, s. 78, 85, 86.

⁴⁸ Ibid, s. 86.

⁴⁹ Nigerian Copyright Commission, "NCC Seizes Over N2bn Pirated Works in Alaba Raid," NCC Press Release, 21 June 2024

⁵⁰ Nwogu (n 46) 22.

⁵¹ M.I.O. Nwogu, 'Copyright Law and the Menace of Piracy in Nigeria', (2015) 34 *Journal of Law, Policy and Globalization*, 113.

⁵² Ibid, 123.

⁵³ Ibid, 123.

e) Inadequate Public Awareness

Many Nigerians are unaware that purchasing or distributing pirated materials constitutes an infringement of intellectual property rights. The lack of sustained public education campaigns contributes to the normalization of piracy as an acceptable practice.⁵⁴

f) Corruption and Complicity of Enforcement Agents

Corruption within law enforcement agencies enables pirates to evade arrest or prosecution by bribing officials. This compromises the deterrent effect of the law and emboldens offenders.⁵⁵

g) Cultural Attitudes Towards Intellectual Property

A prevailing culture that does not strongly value or respect intellectual property rights further entrenches piracy. In some communities, copying creative works is seen as a way of making them more accessible rather than as theft.⁵⁶

h) Inefficient Judicial Processes

Protracted litigation and delays in adjudicating copyright cases discourage enforcement and embolden infringers. Rights holders often find the cost and time required to pursue legal remedies prohibitive.⁵⁷

6. Legal and Institutional Framework for the Fight against Copyright Piracy in Nigeria

The fight against copyright piracy in Nigeria is anchored on a combination of legal instruments and institutional mechanisms designed to protect creative works and enforce compliance with copyright law. The primary legislation governing copyright in Nigeria is the Copyright Act, 2022. The Act provides the legal foundation for the protection of literary, musical, artistic, cinematographic works, sound recordings, and broadcasts.⁵⁸ Under Sections 9-13 of the Copyright Act, copyright confers exclusive rights on the author or owner to control reproduction, publication, performance, adaptation, and distribution of their works.⁵⁹ This forms the statutory basis for actions against infringement and piracy.⁶⁰

Additionally, the Nigerian Copyright Commission (NCC) Regulations 2007 operationalize aspects of enforcement, registration, and administration of copyright.⁶¹ Other relevant laws include provisions of the Criminal Code Act,⁶² which criminalize the sale or distribution of pirated works, and the Customs and Excise Management Act, which empowers customs officials to seize infringing copies at ports and borders.⁶³

In terms of the institutional framework, the Nigerian Copyright Commission (NCC) is the principal agency vested with the mandate to administer, enforce, and promote copyright in

⁵⁴ Ibid.

⁵⁵ O. Awomolo, 'Piracy and its burden on copyright in Nigeria: Challenges and solutions', (2020) 23(3) *The Journal of World Intellectual Property*, 121

⁵⁶ Ibid.

⁵⁷ C.C. Eze, R.N.C. Ugwuanyi & F.N. Ugwu, 'Copyright Law and Intellectual Property Abuses in Nigeria: Impact on Creativity and Academic Output', (2016) 9 (2) *Journal of Applied Information Science and Technology*, 133, 136

⁵⁸ Copyright Act, 2022, ss. 9-13.

⁵⁹ Ibid, ss. 9-13.

⁶⁰ Ibid, s.36.

⁶¹ Nigerian Copyright Commission Regulations 2007.

⁶² Criminal Code Act, Cap C38, Laws of the Federation of Nigeria 2004, s.383.

⁶³ Customs and Excise Management Act, Cap C45, LFN 2004, s.168.

Nigeria. Established under section 77 of the Copyright Act, the NCC has powers to investigate complaints, conduct anti-piracy raids, seize infringing materials, and prosecute offenders in collaboration with law enforcement agencies.⁶⁴ In addition to the NCC, the following institutions play critical roles: the Nigeria police force provides operational support in enforcement exercises, including raids and arrest of suspects;⁶⁵ the Nigeria Customs Service monitors cross-border movement of pirated materials; and the Federal High Court has exclusive jurisdiction to adjudicate civil and criminal copyright infringement cases.⁶⁶ The copyright inspectors—appointed by the NCC under section 86 of the Act—are empowered to enter premises suspected of housing infringing materials, search, seize, and arrest without warrant in certain circumstances.⁶⁷

Key measures implemented by the NCC to prevent piracy include the optical disc regulation, which controls the manufacture and distribution of optical discs to curb the proliferation of pirated CDs and DVDs;⁶⁸ the strategic enforcement operations, comprising of regular anti-piracy raids in major markets and stakeholder collaboration – partnerships with collective management organizations (e.g., COSON), industry associations, and international bodies.⁶⁹

7. Methods Adopted by Copyright Inspectors to Fight Copyright Piracy in Nigeria

Copyright inspectors in Nigeria, operating primarily under the Nigerian Copyright Commission (NCC), employ various strategies and enforcement methods to combat piracy. These methods are both preventive and punitive, aiming to deter infringers and protect the rights of creators.⁷⁰

a) Surveillance and market monitoring

Copyright inspectors regularly conduct surveillance of known piracy hotspots, including markets, warehouses, and distribution hubs. They gather intelligence on suspected pirates and their networks to facilitate targeted enforcement actions.

b) Raids and seizure operations

One of the most visible methods is the execution of raids on premises where pirated works are produced, stored, or sold. During such operations, inspectors confiscate infringing copies, duplicating equipment, and related materials as evidence for prosecution.

c) Arrest and prosecution of offenders

Inspectors work closely with law enforcement agencies such as the Nigeria Police Force to arrest suspected infringers. Offenders are charged in court under the Copyright Act, and successful prosecutions result in fines, imprisonment, or both.

⁶⁴ Copyright Act, s.78.

⁶⁵ Nigerian Copyright Commission, *Annual Report 2021* (NCC, 2022) p 23.

⁶⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 251(f).

⁶⁷ Copyright Act, 2022, s.86.

⁶⁸ Copyright (Optical Disc Plants) Regulations 2006.

⁶⁹ Nigerian Copyright Commission, *Strategic Plan 2019-2023* (NCC, 2019) p 12.

⁷⁰ U. Uguru & M.C. Umobong, 'Appraising the Impact of the Nigerian Copyright Act and Regulations in Combating Piracy in Nigeria', (2022) 13(2) *Beijing Law Review*, 247-264.

d) Public awareness campaigns

Recognizing that ignorance contributes to piracy, inspectors participate in public sensitization programmes, workshops, and media campaigns to educate the public on the legal and economic implications of piracy.

e) Engagement with stakeholders

Copyright inspectors collaborate with stakeholders, including industry associations, right holders, market associations, and civil society organizations. These partnerships enhance intelligence gathering and improve the effectiveness of enforcement measures.

f) Monitoring of digital platforms

In response to the rise of online piracy, inspectors monitor websites and social media platforms where pirated content is uploaded or sold, they issue takedown notices and engage internet service providers to block access to infringing sites.

g) Destruction of seized pirated materials

To prevent re-entry into circulation, seized counterfeit goods are publicly destroyed by the NCC in collaboration with other enforcement agencies. This practice serves both a practical and symbolic deterrent purpose.⁷¹

h) Capacity building and training

Inspectors receive periodic training to enhance their knowledge of copyright law, digital enforcement tools, and evidence gathering techniques. This professional development strengthens their capacity to respond to evolving piracy tactics.⁷²

8. Challenges to the Role of Copyright Inspectors in the Fight against Copyright Piracy in Nigeria

The assessment of the role of copyright inspectors in combating copyright piracy in Nigeria is fraught with a number of challenges that undermine effective enforcement and evaluation. There is the problem of inadequate funding and logistical support, which hampers the operations of copyright inspectors. Limited budgetary allocations constrain their ability to conduct raids, maintain surveillance, and prosecute offenders effectively. Without sufficient financial resources, inspectors are often unable to cover the vast geographic spread of piracy hotspots in the country.⁷³

There is also the problem of weak institutional coordination and bureaucratic bottlenecks between the Nigerian Copyright Commission (NCC) and other enforcement agencies, such as the Nigerian Police Force and the Nigerian Customs Service, which create operational delays and inconsistencies. This fragmentation leads to duplication of efforts or outright neglect of enforcement in certain regions.⁷⁴ Coupled with this is the prevalence of corruption within enforcement institutions that significantly undermines the credibility and effectiveness of

⁷¹ Business Software Alliance, 'Software Piracy Rates in Nigeria' (BSA, 2018) 3.

⁷² WIPO, *World Intellectual Property Report* (Geneva: WIPO, 2017) 98.

⁷³ Nigerian Copyright Commission, *Strategic Action Against Piracy (STRAP)* (Abuja, NCC 2005) 15.

⁷⁴ U.D. Okeke, C.I. Obianyo & S.V. Ater, 'An Analysis of the Role of Nigerian Copyright Commission as a Designated Relevant Organisation under the Proceeds of Crime Act 2022', (2025) 13(3) *Global Journal of Politics and Law Research*, 1.

copyright inspectors. In some instances, pirated goods are released in exchange for bribes, while offenders evade prosecution through political interference or collusion with unscrupulous officials.⁷⁵

Inadequate or lack of training and capacity-building for inspectors also impede the ability to keep pace with evolving technologies and sophisticated methods employed by pirates. The growth of digital piracy and online distribution networks requires specialized skills and tools that many inspectors lack.⁷⁶ Another problem is public apathy and low awareness about copyright law, which frustrates enforcement efforts. Many consumers do not appreciate the economic harm and illegality of piracy, thereby perpetuating demand for infringing works. This environment makes it difficult for inspectors to secure community cooperation or meaningful deterrence.⁷⁷

The absence of reliable data and impact assessment mechanisms also constitutes a significant challenge. The systematic collection and analysis of enforcement statistics are often neglected, making it challenging to measure the performance and effectiveness of inspectors accurately. Without evidence-based evaluation, policy and operational reforms are difficult to design and implement.⁷⁸

9. Judicial Precedent on the Fight against Copyright Piracy in Nigeria

The Nigerian judiciary has played a pivotal role in interpreting and enforcing copyright legislations to combat piracy. The previous and current Copyright Acts provide the statutory basis, but judicial pronouncements have clarified their scope, especially regarding infringement, liability, and enforcement mechanisms.

One notable case is *Adeokin Records v. Musical Copyright Society of Nigeria Ltd/Gte (MCSN)*,⁷⁹ where the Federal High Court underscored the statutory mandate of collective management organizations and affirmed their standing to sue for copyright infringement on behalf of rights holders. The decision validated the collective enforcement approach as a tool to deter piracy. In *Nigerian Copyright Commission v. Maduakor Enterprises Ltd & Anor.*,⁸⁰ the court addressed large-scale piracy involving unauthorized reproduction of literary works. The Federal High Court held that possession of infringing copies in commercial quantities constituted *prima facie* evidence of piracy. The decision emphasized the importance of circumstantial evidence in proving infringement, which strengthened the prosecutorial capacity of the Nigerian Copyright Commission.

Similarly, in *Nigeria Copyright Commission v. Obosi Communications Ltd & Ors.*,⁸¹ the court convicted the defendants for distributing pirated films. The judgment reinforced that corporate entities and their officers could be held jointly liable for copyright piracy, extending liability beyond individuals directly engaged in reproduction. In *Ozigbo v. The State*,⁸² the Court of Appeal upheld the conviction of an appellant found in possession of infringing audio cassettes, reiterating that criminal sanctions, including imprisonment and fines, are appropriate deterrents

⁷⁵ N.S. Umonko & E.A. Adedeji, 'Intellectual Property Right and the Fight Against Piracy in Nigeria', (2019) *Journal of Educational Review*, 231.

⁷⁶ Ibid.

⁷⁷ Omotayo F. Awomolo-Enujiugha, 'Piracy and its burden on copyright in Nigeria: Challenges and solutions', (2020) 23 *J. World Intell. Prop.* 413.

⁷⁸ Nigerian Copyright Commission, *Annual Report 2018* (Abuja, NCC 2019) 31.

⁷⁹ *Adeokin Records v Musical Copyright Society of Nigeria Ltd/Gte* (2009) 13 NWLR (Pt 1158) 518.

⁸⁰ *Nigerian Copyright Commission v Maduakor Enterprises Ltd & Anor* (Unreported) FHC/L/CR/43/2005.

⁸¹ *Nigeria Copyright Commission v Obosi Communications Ltd & Ors* (2008) 3 CLRN 132.

⁸² *Ozigbo v The State* (2008) 1 NWLR (Pt 1068) 320.

against piracy. The court clarified that proof of authorization from the copyright owner was essential to defeat charges of infringement.

These decisions collectively illustrate the judiciary's active engagement in strengthening copyright protection through purposive interpretation of the Copyright Act, deterrence by imposing criminal liability, and recognition of collective rights enforcement as a legitimate strategy against piracy.

10. Comparative Analysis of Copyright Piracy in Nigeria and Selected Countries

Copyright piracy, defined as the unauthorized reproduction, distribution, or sale of copyrighted materials, is a pervasive problem across the world. However, the nature, drivers, and enforcement approaches differ markedly among jurisdictions. This analysis compares Nigeria's experience with that of the United States, China, and India.

Nigeria grapples with widespread piracy affecting books, music, films, and software.⁸³ The Nigerian Copyright Act establishes the legal framework and created the Nigerian Copyright Commission (NCC). Despite these laws, piracy persists, primarily due to poverty, weak enforcement, inadequate public awareness, and corruption. Enforcement actions, such as the NCC's raids on major markets like Alaba International Market in Lagos, have only achieved limited deterrence.⁸⁴ In contrast, the United States maintains a robust copyright protection regime. The Copyright Act of 1976⁸⁵ and the Digital Millennium Copyright Act 1998 (DMCA) form the backbone of enforcement. The DMCA introduced the "notice and takedown" system, obliging internet service providers to remove infringing content upon notification.⁸⁶ China on the other hand, has historically been branded the largest producer of counterfeit and pirated goods.⁸⁷ The drivers include low production costs, huge domestic demand, and uneven enforcement. The Chinese Copyright Law⁸⁸ has undergone several amendments to improve compliance, and specialised IP courts have been established in Beijing, Shanghai, and Guangzhou.⁸⁹ While India still struggles with significant piracy across books, films, and software.⁹⁰ The Indian Copyright Act 1957 (as amended in 2012)⁹¹ and provisions under the Information Technology Act⁹² empower authorities to block websites hosting infringing content. Piracy thrives partly due to the high cost of legitimate products and distribution gaps in rural areas.⁹³ The Law enforcement agencies have set up anti-piracy cells, and courts increasingly grant injunctions against rogue websites.⁹⁴

⁸³ M.N. Nwabuzor & Chinweke Emmanuel, 'Nigerian Copyright Commission and Movie Piracy: Challenges and Prospects', (2024) 6 *UNIBEN Law Journal*, 1.

⁸⁴ Nigerian Copyright Commission, *Annual Report 2019* (Abuja: NCC, 2020) 15.

⁸⁵ United States Copyright Act of 1976, 17 U.S.C. § 101 et seq.

⁸⁶ T. Schonwetter, 'New hope for Africa? Copyright and access to knowledge in the digital age', (2011) 13(3) *Info*, 73-84.

⁸⁷ M Peng, 'Counterfeiting and Piracy in China' (2019) 45 *International Journal of Intellectual Property Management* 33, 35.

⁸⁸ Copyright Law of the People's Republic of China, adopted 1990, amended 2010 and 2020.

⁸⁹ C. Huang, C. Cao, & W. Coreynen, 'Stronger and more just? Recent reforms of China's intellectual property rights system and their implications', (2024) 18(3) *Asia Pacific Journal of Innovation and Entrepreneurship*, 210-223.

⁹⁰ A Gopalakrishnan, 'Piracy of Copyrighted Works in India' (2017) 14 *Indian Journal of Intellectual Property Law* 45.

⁹¹ Indian Copyright Act 1957 (as amended by Copyright (Amendment) Act 2012).

⁹² IT Act 2000 Section 69 A

⁹³ P Das, 'Copyright Piracy and Enforcement in India' (2019) 11 *Journal of Law and Policy* 76.

⁹⁴ Delhi High Court, *UTV Software Communication Ltd v 1337x.to & Ors* [2019] SCC OnLine Del 8002.

Comparative Table in the Four Jurisdictions

Aspect	Nigeria	United States	China	India
Scale	High	Moderate	Historically very high	High
Drivers	Poverty, low awareness, weak enforcement	Digital convenience, streaming	Manufacturing capacity, enforcement gaps	Affordability issues, distribution gaps
Legal Framework	Copyright Act (Cap C28 LFN 2004)	Copyright Act 1976, DMCA 1998	Copyright Law (as amended)	Copyright Act 1957 (amended 2012)
Enforcement	Limited resources, corruption	Strong federal and private enforcement	Improving, but inconsistent	Improving, resource-constrained
Emerging Trend	Rising online piracy	Dominant online piracy	E-commerce enforcement challenges	Torrent site proliferation

11. Recommendations

In light of the findings of this paper, the following recommendations are proposed to strengthen the role of copyright inspectors and enhance the efficacy of anti-piracy measures in Nigeria:

a) Strengthening Legal and Institutional Frameworks

There is a pressing need to update and harmonise the statutory provisions guiding copyright inspection and enforcement to reflect contemporary realities, including digital piracy. Amendments to the Copyright Act should clearly delineate the powers, limitations, and responsibilities of copyright inspectors, while also incorporating provisions for emerging technologies and online infringement.

b) Capacity Building and Training

Continuous training programmes should be instituted to equip inspectors with specialised skills in forensic investigation, digital evidence gathering, and rights management technologies. Capacity building will empower inspectors to detect sophisticated methods of piracy and pursue effective prosecutions.

c) Adequate Funding and Resources

The Nigerian Copyright Commission (NCC) and its inspection units should be provided with adequate funding, modern equipment, and operational logistics to facilitate timely inspections, raids, and monitoring of distribution channels, especially in piracy-prone areas such as Alaba International Market and online platforms.

d) Inter-Agency Collaboration

There should be structured collaboration between copyright inspectors, the Nigeria Police Force, Nigeria Customs Service, and other relevant agencies. This inter-agency synergy will help dismantle organised piracy networks and enhance intelligence-sharing mechanisms.

e) Public Awareness and Stakeholder Engagement

Sustained public enlightenment campaigns should be pursued to sensitise consumers and traders about the dangers and penalties of piracy. Additionally, stakeholder engagement forums involving rights holders, distributors, and technology service providers should be encouraged to build collective responsibility for combating infringement.

f) Judicial Support and Expedient Prosecution

Specialised intellectual property courts or designated judges should handle copyright cases to ensure speedy resolution. Judicial support is critical to reinforce the deterrent effect of inspections and prosecutions.

g) Leveraging Technology for Monitoring

The NCC and copyright inspectors should adopt technological solutions, such as digital watermarking, blockchain for rights management, and online monitoring tools, to track and disrupt digital piracy more effectively.

12. Conclusion

Over the years, the Nigerian Copyright Commission (NCC), through its statutory powers, has positioned copyright inspectors as central actors in monitoring compliance, conducting raids, and enforcing copyright law in line with the Copyright Act. The historical evolution of copyright enforcement in Nigeria demonstrates that while inspectors have made significant efforts, ranging from market surveillance to public sensitisation campaigns, piracy remains pervasive. The persistence of copyright piracy is attributable to various factors, including weak enforcement mechanisms, inadequate funding, proliferation of technological means for duplication, limited awareness among the public, and challenges in prosecuting offenders effectively. Judicial precedents have, in certain instances, reinforced enforcement but have also exposed legal ambiguities that sometimes hamper effective action. Comparative analyses with other jurisdictions reveal that while Nigeria has an institutional framework that is relatively comprehensive in design, it lacks the consistent application, technological infrastructure, and coordinated strategies that have proven effective in countries such as the United States and the United Kingdom. Furthermore, the socio-economic impact of piracy, manifesting in revenue loss for copyright holders, disincentive to creativity, and undermining of investor confidence, accentuates the urgency of reform. It is therefore evident that while copyright inspectors have contributed significantly to the fight against piracy, the sustainability of their impact depends on a holistic approach. Such an approach must include strengthened legislative backing, improved logistical support, regular training and capacity building, strategic partnerships with stakeholders, and deployment of modern enforcement tools. The role of copyright inspectors is indispensable to the protection of intellectual property rights in Nigeria. However, transformative progress requires a coordinated and well-resourced strategy that effectively addresses systemic challenges, thereby fostering an environment in which creativity and innovation can thrive.