

EXAMINING THE INTERPLAY OF NIGERIAN COPYRIGHT ENFORCEMENT INSTITUTIONS AND MECHANISMS AGAINST PIRACY

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Abstract

The legal framework for copyright enforcement in Nigeria is built on a variety of instruments and institutions, utilising some overlapping judicial, quasi-judicial and administrative mechanisms to address different copyright enforcement needs, amongst which is enforcement against piracy. This study aimed to establish enforcement linkages between the Nigerian Copyright Commission (NCC) and some law enforcement institutions, including the Nigeria Customs Service, Nigeria Police, and Economic and Financial Crimes Commission. Utilising doctrinal methodology, the study did a thorough analysis of the enabling legislation of these institutions in addition to the multi-purpose Proceeds of Crime (Recovery and Management) Act (POCA), 2022. The study found that there is a plethora of laws guiding copyright enforcement, thus making it functionally dependent on multi-agency collaboration. However, an interrogation of the intersection points of some of the enabling laws, mandates and activities of these agencies relative to the NCC's mandate and activities, and the needs of the right holder, showed certain gaps that are prone to exploitation by copyright violators. Benefiting also from an examination of some other African jurisdictions, the study recommended, amongst other measures, legislative and institutional reforms to keep Nigerian copyright enforcement well ahead of the criminality curve.

Keywords: copyright, enforcement, piracy, mechanisms

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1. INTRODUCTION

Copyright, while being intangible and inextricably linked to the human mind, accrues to protect the expression of ideas, not for the ideas themselves.¹ One of the spheres in which Nigerians predominantly express themselves is in the entertainment industry. Estimated to be worth \$15 billion in 2025,² The Nigerian creative economy, encompassing all the forms of the creative arts including literature, film, music, performance, folklore, fashion, arts and crafts, architecture, and digital media creations, is a global creative industry leader.

Piracy is, however, one of the major challenges of the Nigerian creative industry, which has led to its diminished role in national revenue generation. In 2019, an estimated N918trn was lost to piracy, a figure that was “higher than cumulative earnings of oil and gas for about ten years.”³ Indeed, the Nigerian Copyright Commission has asserted that piracy is an organized crime industry, cutting “across virtually all aspects of the copyright industry, claiming more than 90% of the Nigerian market.”⁴

¹ Kasim M Waziri, ‘Intellectual Property Rights Enforcement: Criminal Law Aspects in the Light of TRIPS Agreement’ (2013), *Tuma Law Review* Vol. 2 147

<https://scholar.google.com/citations?view_op=view_citation&hl=en&user=DUYodyAAAAAJ&citation_for_view=DUYodyAAAAAJ:W7OEmFMylHYC> accessed 3 May 2026.

² Royal Ibeh, ‘Nigeria’s \$15bn Creative Industry Draws Adobe’s Big Push’ *Business Day* (Lagos, 1 May 2026)

<<https://businessday.ng/technology/article/nigerias-15bn-creative-industry-draws-adobes-big-push/>> accessed 6 September 2026.

³ Leonard Ume, ‘Technological Countermeasures of Copyright Piracy Enforcement in Nigeria: An Alternative to Creative Works Owners’ Livelihood in a Monolithic Economy Post-Covid-19,’ (2021), *Library Philosophy and Practice* (e-journal) 5049 <<https://digitalcommons.unl.edu/libphilprac/5049>> accessed 2 May 2026.

⁴ Nigerian Copyright Commission, ‘Strategic Action against Piracy Working Document and Action Plan, 2005,’ cited in Adewole Adedeji, ‘The Strategic

To deal with piracy and other copyright violations, Nigeria has both legal and institutional frameworks, which have enabled a number of enforcement mechanisms. Apart from the Constitution of the Federal Republic of Nigeria, 1999 (as amended),⁵ the legal backbone for the enforcement of copyright in Nigeria is the Copyright Act, 2022,⁶ while the Nigerian Copyright Commission (NCC), created by the Act, leads the institutional response to copyright infringement. In addition to the Act, there is other legislation such as the Nigeria Customs Service Act, 2023,⁷ Nigeria Police Act, 2020,⁸ the Economic and Financial Crimes Commission (Establishment) Act, 2004,⁹ and the Proceeds of Crime (Recovery and Management) Act (POCA), 2022¹⁰ that create and empower a multiplicity of agencies to play complementary roles in the enforcement of copyright in Nigeria. However, notwithstanding the robust enforcement framework, the Nigerian copyright environment is still fraught with challenges inherent in the laws and activities of the agencies and institutions with copyright enforcement mandates.

2.0 CONCEPTUAL CLARIFICATION

2.1 Copyright

While the principal legislation on copyright administration and enforcement, the Copyright Act, 2022, does not define the term ‘copyright,’ the Nigerian Copyright Commission, the agency it created, has sought to do so. In its Frequently Asked Questions

Action Against Piracy (STRAP) Policy in Nigeria,’ World Trade Organization (2010)

<https://www.wto.org/english/tratop_e/trips_e/colloquium_papers_e/2010/chapter_9_2010_e.pdf> accessed 2 May 2025.

⁵ Constitution of the Federal Republic of Nigeria, 1999 Cap C23 Laws of the Federation of Nigeria, 2004.

⁶ Copyright Act, 2022.

⁷ Nigeria Customs Service Act, 2023.

⁸ Police Act, 2020.

⁹ Economic and Financial Crimes Commission (Establishment) Act, 2004.

¹⁰ Proceeds of Crime (Recovery and Management) Act, 2022.

(FAQs), the Commission defines copyright as, “The exclusive right granted by a statute to an author (i.e. an artist, writer, publisher, musical performer, photographer, architect, filmmaker and sculptor) of certain works to control the doing of some acts in relation to the work.”¹¹ The definition of copyright by the Nigerian Copyright Commission is, however, self-limiting. The undefined word “certain” and the restrictive delineation of the class of authors who can be covered by copyright, while excluding creators of computer programmes and databases, cartographers, and such other categories of authors, makes the definition inadequate for this study.

Copyright is the right conferred by law on the creator of a work; it is a proprietary right in an intangible property. It vests in the author, his assignee, or successors-in-title for the original expression of his idea, not the idea itself. Only the holder of a copyright is invested by law with the right to reproduce, adapt, distribute and materially benefit from such reproduction, adaptation or distribution within a defined timeframe.

2.2 Copyright Piracy

The Black’s Law Dictionary defines copyright piracy as “the unauthorised and illegal reproduction or distribution of materials protected by copyright, patent or trademark law.”¹² Copyright piracy is usually a large-scale, criminalised activity with illicit commercial benefit as motivation.

2.3 Copyright Infringement

¹¹ NCC, ‘What is Copyright?’ <<http://eregistration.copyright.gov.ng/ncc/faq>> accessed 5 May 2026.

¹² Bryan A. Garner, *The Black’s Law Dictionary* (10th edn, Thomson Reuters 2014) 1334.

Copyright infringement, according to Black's Law, is "an act that interferes with one of the exclusive rights of a patent, copyright or trademark owner,"¹³ and excludes him from the benefits therefrom.

2.4 Copyright Enforcement

This study uses the definition of intellectual property enforcement by the World Intellectual Property Organisation (WIPO) as the working definition for copyright enforcement. The WIPO defines intellectual property enforcement as:

The act of taking legal action when intellectual property rights – including trademarks, copyrights, industrial designs, patents, geographical indications – and trade secrets have been infringed. The objective is to stop the infringement, prevent further violations, and remedy the prejudice caused by these actions.¹⁴

3.0 THEORETICAL FRAMEWORK

3.1 Deterrence Theory of Enforcement

Deterrence theory of enforcement posits that the only aim of punishment is the prevention of crime. Beccaria, preeminent proponent of the deterrence theory, posits that "the end of punishment...is no other than to prevent others from committing the like offence"¹⁵ –the offender who is sanctioned is prevented from re-offending, and witnesses to the punishment are dissuaded from committing the same or similar offence.

¹³ *ibid.* 900

¹⁴ World Intellectual Property Organisation, 'Intellectual Property Enforcement,' <<https://www.wipo.int/en/web/ip-enforcement>> accessed 6 May 2026.

¹⁵ Cesare Bonesana di Beccaria, *An Essay on Crime and Punishment* (W.C Little and Company, 1764) 26 <https://oll-resources.s3.us-east-2.amazonaws.com/oll3/store/titles/2193/Beccaria_1476_EBk_v6.0.pdf>

Deterrence, in effect, serves both the present and the future –punishing deviant behaviour and preventing both recidivism and the recruitment of others into criminal enterprise. This explains the body of sanctions in Nigerian legislation that provide for searches, fines, inspections, seizures, arrests, detentions, imprisonment and forfeiture of proceeds of crime amongst several enforcement mechanisms. The expectation is that, aware of the law, the potential infringer would decide that the cost of copyright infringement exceeds expected benefits.¹⁶

However, that is not the typical progression of the criminal mind. Roeder and others posit that reducing crime to a cold, weighted consideration of action and consequence is not the usual preoccupation of the criminal mind. “It is debatable whether an individual even engages in such objective calculations before committing a crime.”¹⁷

3.2 Institutional Theory of Enforcement

This study aligns with the institutional theory of enforcement, which takes off from where the deterrence theory stops. Inherent in the deterrence enforcement theory is a tacit acknowledgment that laws on their own cannot ensure compliance and deterrence; they have to be enforced to achieve those objectives, and only institutions created and assigned that responsibility by law can bring about those outcomes.¹⁸

¹⁶ Robert D Cooter and Michael D Gilbert, “Theory of Enforcement,” in *Public Law and Economics* (2022) ResearchGate
<https://www.researchgate.net/publication/364603211_Theory_of_Enforcement>
accessed 9 September 2026 462.

¹⁷ Oliver Roeder, Lauren-Brooke Eisen, and Julia Bowling, *what caused the Crime Decline?* (Brennan Centre for Justice 2015) 44-45
https://www.brennancenter.org/media/230/download/Report_What_Caused_The_Crime_Decline.pdf?inline=1 accessed 9 September 2026.

¹⁸ Sandra Frimpong and others, “Assessing the Effectiveness of Cybercrime Laws in Africa: A Systematic Review of Enforcement Barriers and Policy Reform Options” (2026) *Current Research in Interdisciplinary Studies*, 5(4):1–12

The Nigerian copyright ecosystem consists of the laws that prescribe conduct and demand compliance, failing which a range of embedded mechanisms of enforcement, including compounding, fines, takedowns, investigations, searches, arrests, seizures, detentions, prosecutions, and forfeitures, may be activated by purposefully created enforcement institutions, including the NCC, NCS, EFCC, and Nigeria Police.

The institutional theory posits that the effectiveness of enforcement institutions is contingent on the environment in which they operate, and the copyright enforcement environment in Nigeria includes the intersecting laws, other conterminous institutions the NCC must operationally relate with, and the resources available to them separately and jointly. Ogunsola and others, however, posit that, because of environmental and organisational pressures, “enforcement outcomes may deviate from formal legal expectations, producing patterns of selective enforcement and institutional inconsistency.”¹⁹

4.0 NIGERIAN LEGAL FRAMEWORK ON COPYRIGHT ENFORCEMENT

4.1 Constitution of the Federal Republic of Nigeria, 1999

The Constitution of the Federal Republic of Nigeria (CFRN) 1999 (as altered) is the foundation upon which all laws and institutions rest. Apart from providing the legal substructure for the creation and

2<<https://www.jpub.org/journal-admin/uploads/articles/cris541.pdf>> accessed 9 September 2026.

¹⁹ Babatunde Olawale Ogunsola and others, “Institutional Weakness and Selective Enforcement: An Institutional Theory Analysis of Anti-Corruption Policing in Nigeria” (2026) *International Journal of Academic Multidisciplinary Research (IJAMR)* Vol. 10 Issue 3 228-232 <<http://ijeais.org/wp-content/uploads/2026/3/IJAMR260324.pdf>> accessed 9 September 2026.

mandate of the Nigerian Copyright Commission and all other institutions that legislate, administer and enforce copyright, the Constitution, under section 44, guarantees the right of every citizen to the protection of their movable property. Under section 30 of the Copyright Act, copyright is deemed movable property for Chapter 4 of the Constitution.

The Constitution further provides that no property or rights or interest therein shall be compulsorily acquired without due recourse to law and without the payment of compensation. The Constitution also guarantees the right of owners of property, including copyright, to access the court or other appropriate bodies for the determination of just compensation for the infringement of such rights,²⁰ and vests the Federal High Court with exclusive jurisdiction over copyright matters.²¹ Additionally, Part 1 of the Second Schedule of the Constitution lists copyright in the exclusive legislative list.

The Nigerian copyright legal framework is also informed by, borrows from, and aligns with several international instruments such as the Berne Convention (1886), the Rome Convention (1961), the World Intellectual Property Organization (WIPO) Copyright Treaty (WCT) (1996), WIPO Performances and Phonograms Treaty (WPPT) (1996), and the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement (1995). However, notwithstanding Nigeria's accession to these and other international intellectual property rights instruments, they are effectively non-binding on the country until their formal incorporation into the body of Nigerian laws as provided for under section 12 of the Constitution.

4.2 Copyright Act, 2022

²⁰ *ibid.* s 44(1)(a)–(b).

²¹ *ibid.* s 251(1)(f).

While the Copyright Act, 2022 does not contain a definition of copyright infringement, the meaning of copyright infringement under the law, and the breadth of the Act's anti-piracy enforcement mechanisms can be extracted from a community reading of the provisions of sections 36, 44, 49, 50 and 108 of the Act, which identifies it as an actionable civil wrong, as well as criminalises the unauthorised infringement of an author's exclusive rights protected under the Act.

Standout provisions of the Copyright Act include those on authors' moral rights,²² which provide legal protection to users of protected works, who would have otherwise been treated as copyright infringers. Usages protected by this provision include those for the visually impaired, private use, parody, satire, non-commercial use, private study, judicial or legislative work, criticism and reporting of current events, among others. Section 20(1) of the Act imposes a four-way test for exception eligibility –the purpose and nature of usage, as well as the substantiality of usage relative to the entire work and the effect of usage on the work's potential market value.²³

4.2.1 Enforcement Mechanisms

The Copyright Act provides for a range of enforcement mechanisms from administrative to judicial and asset recovery, for non-compliance, civil infringements or criminal offences. These include demand for evidence of compliance with provisions of the Act from any person, including public and private entities, written caution against a non-compliant person or entity, content takedowns, imposition of administrative fines, institution of civil or criminal proceedings against defaulting persons or entities, and court-ordered seizures and

²² Copyright Act (n 6) s 12.

²³ K M Waziri, 'A Note on the Nigerian Copyright Act 2022' (2023) PhD Lecture, University of Abuja.

detentions of pirated works.²⁴ Penalties for offences under the Act range from the imposition of fines of between N100,000 and N5 million and one year to five years' terms of imprisonment. The punishment can be fines alone or both fines and imprisonment. A corporate entity convicted under the Act may forfeit its property and assets unless it proves that such assets were not proceeds of the offence for which it was convicted.²⁵ However, against the practice at some sub-national levels where the governor of a state, and acclaimed chief security officer, prejudicially demolishes buildings that had housed alleged kidnappers, ritual killers and other species of alleged criminals, the Act specifically provides against such demolitions.²⁶

The Commission may also exercise the power to “compound any offence...by accepting such sums of money as it deems fit in the circumstance,” in so far as such sum does not exceed double the amount the infringer would have paid in fine.²⁷ This provision mirrors, to some extent, section 14(2) of the EFCC Act, which prescribes that the compounding sum may not exceed the maximum fine payable upon conviction, and section 264 (a) of the Customs Service Act, which, however, does not prescribe minimum or maximum fines payable by any copyright infringer who could have been prosecuted under the Act.

4.2.1.1 Owner-Activated Enforcement

Consistent with the general disposition that copyright is at root a personal right, which infringement is primarily against the individual even as it offends laws of the state, the Copyright Act further provides for the right holder to activate, of his own accord, some enforcement

²⁴ Copyright Act (n 6) s 78 (3)(a)-(f).

²⁵ *ibid.* s 46(4).

²⁶ *ibid.* s 37(6).

²⁷ Copyright Act (n 6) s 44 (9).

mechanisms even before drawing the attention of the Commission to an alleged infringement for institutional backing. The owner is empowered under the Act to request a Service Provider to take down or block access to a work hosted on his platform that infringes the owner's copyright.²⁸ Upon receipt of such notice, the service provider shall promptly notify the subscriber of the owner's complaint and expeditiously takedown or disable access to the infringing material or links to it, and notify the owner of the actions taken. However, the service provider may re-host the material, if he receives a written counter notice from the subscriber responsible for the alleged infringing content and forwards it to the owner of the copyright and the owner does not respond within seven days to the counter notice.²⁹ The Act imposes a duty on the service provider to take all necessary steps in accordance with "high industry standards" to address the right holder's complaint to ensure removal and prevention of re-hosting of the infringing and where in spite of those steps, the subscriber persists in reloading the offending content, remove it without further notice.³⁰

Another right owner-activated enforcement mechanism is provided for in section 53 of the Act that mandates collaboration between the NCC and the Customs Service upon an owner's complaint to the Director-General of the Commission that pirated copies of his work were being imported into the country.

5.0 ENFORCEMENT INTERPLAY BETWEEN NCC AND LAW ENFORCEMENT AGENCIES

5.1 Enforcement Interplay with the Nigeria Customs Service

The Nigeria Customs Service (NCS) is operationally, one of the closest agencies to the NCC. The Nigeria Customs Service Act,

²⁸ *ibid.* s 54.

²⁹ *ibid.* s 55(2)(a)-(b).

³⁰ *ibid.* s 55(3).

(NCSA) 2023, establishes the agencies' direct enforcement relationship by empowering the Service, "to detain, arrest or seize any importation or exportation that infringes or contravenes the Copyrights Act." The Service's exercise of this power may either be incidental to its normal mandate to police the nation's borders, or in response to a copyright holder who gives written notice to the Director-General of the NCC, requesting him to notify the Comptroller-General of Customs of the infringement of his copyright.³¹ Upon such notification, the Comptroller-General shall activate necessary measures to detain, arrest or seize such copyright-infringing materials and permit the Director-General or his representative to enter and inspect and take into custody the pirated works in any vehicle, aircraft, ship, vessel or premises,³² and subsequently deciding on any further proceedings in agreement with the right holder.³³ Underscoring the enforcement linkage between Customs and the NCC, the Copyright Act further empowers the Comptroller-General of Customs or any of his border officers, acting only on reasonable suspicion that an importation infringes a copyright, to suspend the release of such goods and promptly notify both the importer and the right owner of his action.³⁴

The NCS is also conferred with the broad powers to take appropriate enforcement measures against all goods prohibited under any law or regulation, "found within the customs territory."³⁵ The Service is required to deem such goods as illegally imported "at first instance." It is to be noted that a number of instruments, including the Copyright Act, the Customs Service Act and the EFCC Act, prohibit pirated goods. The implication of section 55(2) of the NCSA, therefore, is that

³¹ Copyright Act (n 6) s 53 (1).

³² *ibid.* s 53 (3).

³³ *ibid.* s 53 (4).

³⁴ *ibid.* s 53(10).

³⁵ NCSA (n 7) s 55(2).

until the contrary is proved that they are not illegal imports, the Customs Service is obligated to proceed against such goods under its full enforcement mandate, which includes extrajudicial powers to examine goods, take samples, verify declarations,³⁶ interview persons with relevant information,³⁷ and detain, arrest and seize goods.³⁸ The Service may also, without a warrant, use reasonable force to enter a premises, “including, when other means are ineffective, breaking open any door or window of the premises or breaking through any wall of the premises for the purpose of entering into the premises.”³⁹

Furthermore, prosecution under the NCSA is boosted by section 266(2)(g) that shifts the burden of proof to the defendant that the goods are or were not “goods prohibited to be imported, exported or carried coastwise.” However, where the Customs wishes to wield the powers conferred under the Act to dispose of seized goods by way of sale or destruction, it is under an obligation to first seek and obtain judicial approval.⁴⁰

A potential conflict situation is, however, presented in the provision of section 264(b) of the Act, which confers on the Customs Service the power, without prejudice to other provisions of the NCSA and subject to its Board’s direction, to restore any property it may have forfeited or seized under the Act. This provision, in the opinion of this study, could potentially provide ammunition for inter-agency conflict between the Customs Service and the NCC.

Apart from the Police represented by an officer not below the rank of Commissioner of Police, the other arms-bearing member of the NCC

³⁶ NCSA (n 7) s 30(2)(a)-(c).

³⁷ *ibid.* s 30(2)(g).

³⁸ *ibid.* s 168.

³⁹ *ibid.* s 212(2).

⁴⁰ *ibid.* s 119.

Governing Board is a representative of the Nigeria Customs Service, not below the rank of a Comptroller of Customs.⁴¹ The membership of Customs on the NCC Board ostensibly aids the concretisation of interagency enforcement collaboration anticipated by section 168 of the Customs Service Act,⁴² in as much the same way as the Police membership⁴³ ostensibly aids rapid deployment of tactical operational support.

5.2 Enforcement Interplay with the Nigeria Police

The Copyright Act creates a direct enforcement linkage between the NCC and the Nigeria Police. Under section 38(1), the Copyright Act confers on the Commission the power of ingress and egress “at any reasonable time by day or night accompanied by a police officer or a Copyright Officer” in execution of an order *ex parte* obtained by an applicant. Additionally, section 86(4) of the Act provides that, “A Copyright Officer shall have the powers, rights and privileges of a police officer as defined under the Police Act, 2020 or any other relevant enactment relating to investigation and prosecution of a criminal matter.”⁴⁴

However, taken together, sections 38 and 86 of the Copyright Act offer varied, even contrasting perspectives on the enforcement realities and needs of the NCC. The general operational approach to the crime of piracy is predominantly dictated by the perception that it is a non-violent crime. Perhaps, the only times in the course of a chain of copyright enforcement activities that force may be employed are in the apprehension of unruly suspects, and if there were the need to break in

⁴¹ Copyright Act (n 6)

⁴² NCSA (n 7).

⁴³ Copyright Act (n 6).

⁴⁴ The other agencies –the Customs Service under s 6 of the NCSA and the EFCC under s 5 of the EFCC Act are conferred with the same sweeping police powers.

and break out of a premises reasonably suspected to house a suspect or pirated goods or materials for their production. In such circumstances, the Act, seemingly recognising that the NCC is not an arms-bearing organisation, provides for the police to accompany such an operation. Even while making that provision, the Act still underscores the perception that copyright enforcement is generally non-violent in nature, by prescribing that a single police officer or a lone Copyright Officer accompany a necessarily forceful, potentially violent ingress and egress.⁴⁵

It is the opinion of this study that conferring on the officers of the Commission the powers, rights and privileges of officers of the Nigeria Police whilst undertaking investigation and prosecution of criminal matters is an operationally wide and potentially nebulous grant if it is unsupported (and it is not so at present) by the necessary manpower, training, and equipment. By that grant, a Copyright Officer under section 86(2) of the Act has powers analogous to those conferred on police officers by sections 32, 49 and 78 of the Nigeria Police Act, 2020, including among others, the power of arrest generally, the power to stop and search, and the power to arrest without possession of a warrant.

5.3 Enforcement Interplay with the Economic and Financial Crimes Commission

The EFCC (Establishment) Act, 2004 is a legislation with wide jurisdictional coverage. The Act establishes the Economic and Financial Crimes Commission with the powers to, among others, investigate all economic and financial crimes.⁴⁶ and coordinate the “enforcement of all economic and financial crime functions conferred

⁴⁵ Copyright Act (n 6) s 38(1).

⁴⁶ *ibid.* s 6(b).

on any person or authority.”⁴⁷ The Commission is also empowered to adopt measures leading to the prevention and eradication of economic and financial crimes, facilitation of joint operations aimed at eradicating economic and financial crimes and the investigation of all reported cases of economic and financial crimes.⁴⁸ Further to these provisions, section 46 of the EFCC Act lists piracy as an economic and financial crime.

The designation of the EFCC as a Relevant Organisation by the Proceeds of Crime (Recovery and Management) Act (POCA), 2022,⁴⁹ is likely informed by the Commission’s enabling Act and its activities over the years, some of which overlap with the Copyright Act, and the mandate and activities of the NCC. Curiously, the Copyright Commission itself was omitted as a Relevant Organisation in the POCA and was only subsequently so designated by an Order, pursuant to sections 81 and 82 of the POCA.

The intersection of certain provisions of the EFCC Act and the agency’s operations with the mandate and activities of the NCC has led to various expressions of interagency collaboration on copyright enforcement, including a Memorandum of Understanding (MoU) between both agencies. The NCC confirmed EFCC’s involvement in NCC’s enforcement activities: “The EFCC has always helped us in ensuring that they make available detention facilities to us and we collaborate in terms of freezing of assets.”⁵⁰

⁴⁷ *ibid.* s 6(c).

⁴⁸ *ibid.* s 6(e)-(g).

⁴⁹ POCA (n 10) s 82(a).

⁵⁰ EFCC, ‘EFCC, NCC Deepen Synergy against Piracy, Intellectual Property Theft in South-East’ <<https://x.com/officialEFCC/status/1989678890235691243>> accessed 6 September 2026.

5.4 Multi-agency Enforcement Interplay Under the Proceeds of Crime (Recovery and Management) Act, 2022

5.4.1 The Nigerian Copyright Commission as a Relevant Organisation

A principal objective of the POCA is to “strengthen collaboration among relevant organisations in tracing and forfeiting properties reasonably suspected to be proceeds of unlawful activity through non-conviction based forfeiture proceedings.”⁵¹ By an Order⁵² made pursuant to sections 81 and 82 of the POCA, which vests the Attorney-General with the powers to designate an organisation a ‘Relevant Organisation,’ in addition to several other agencies already listed in the Act,⁵³ the NCC was so designated. The designation, which addressed the seeming oversight of not listing the Copyright Commission in the first place, among named Relevant Organisations in the Act, draws attention to the cross-jurisdictional mandates of the enforcement agencies.

One half of the bifurcated mandate of the POCA exclusively focuses on the tracing, restraint, seizure and confiscation of suspected proceeds of crime as well as the “detection, identification, investigation, and recovery of realisable assets and the proceeds and instrumentalities of unlawful activity.”⁵⁴ However, the Act’s prescription regarding the management and disposal of forfeited assets may be at variance with the *raison d’être* of the NCC. The POCA unequivocally mandates the “handover, management and disposal of properties forfeited to the Federal Government,”⁵⁵ instead of all recoveries (including from anti-

⁵¹ POCA (n 45) s 1(1)(f).

⁵² Proceeds of Crime (Designation of Nigerian Copyright Commission as a Relevant Organisation) Order, 2025.

⁵³ POCA (n 45) s 82.

⁵⁴ POCA (n 10). s 2(a).

⁵⁵ *ibid.* s 1(1)(g).

piracy enforcement) being forfeitable to the author-victim, who is merely a nominal complainant in a criminal matter.

Furthermore, it is noteworthy that under the POCA, the burden of proof traditionally borne by the complainant shifts to the defendant, who must show “that he is the legitimate owner of the assets suspected to be proceeds of crime or derived from unlawful activity or that the assets are of legitimate origin and not proceeds of unlawful activity.”⁵⁶ The notion that the defendant needs to prove his innocence and not the complainant the crime alleged offends the constitutional provision of presumption of innocence.⁵⁷ However, section 74 of POCA addresses the prosecutorial handicap inherent in the widespread recourse to dilatory tactics by defence counsel. The provision has led to better preservation of the *res* and expeditious recovery of stolen assets, especially in cases where evasive money laundering measures have been employed to legitimize proceeds from predicate offences such as drug trafficking and piracy:

Nobody would ever have thought that pirated works are used to launder money. People travel outside the country, get involved in drug-related crimes, and they will use the money to make pirated copies of major publishers and get them shipped here (to Nigeria). By doing so, they are laundering money.⁵⁸

By virtue of its designation as a Relevant Organisation, the NCC is, by the provisions of sections 53-57 of the POCA, provided with the tools to establish the whereabouts and extent of a person’s realisable assets,

⁵⁶ POCA (n 10) s 74.

⁵⁷ CFRN (n 5) s 36(5).

⁵⁸ Macfoy Akachukwu, cited in Michael Adesina, “EFCC, NCC Move to Crush Piracy, Money Laundering Links in South East” *PM News* (15 November 2025) <<https://pmnewsnigeria.com/2025/11/15/efcc-ncc-move-to-crush-piracy-money-laundering-links-in-south-east/>>

identify and recover property or instrumentalities that may be subject to civil forfeiture and confiscation, and conduct detained cash investigations.

Under section 54 of the POCA, the Commission is empowered to carry out investigations, searches and seizures incidental to recovery of proceeds of unlawful activities, to wit, piracy, under the Act and other relevant laws. Section 56 confers authority on the NCC to remove a seized property into the custody and control of the Commission. Furthermore, any person who refuses access to any premises, refuses to be searched, assaults or obstructs an officer of the Commission in the execution of a lawful search, conceals or attempts to conceal any document or article material to an investigation or rescues or attempts to rescue any arrested person, is liable on conviction to a mandatory fine of N5million or a minimum of two years' imprisonment or to both fine and imprisonment.⁵⁹

6.0 SUMMARY OF FINDINGS

- i. The study found that certain provisions of the Copyright Act could impose undue hardship on small rights holders;
- ii. The study found that the framework for copyright enforcement in Nigeria is fragmented, thereby laying the foundation for several bodies to play uncoordinated, complementary, and sometimes contradictory roles to those of the NCC;
- iii. The study found that the NCC's enforcement capability is somewhat eroded by the inadequate implementation of provisions of the Copyright Act that grant it full police powers; and
- iv. The study found that unlike in some African jurisdictions, there are no specialised judicial or quasi-judicial bodies for adjudication or settlement of copyright infringement disputes.

⁵⁹ POCA (n 10) s 57(a)-(e).

7.0 RECOMMENDATIONS

In line with the institutional theory that directly ties the effectiveness of any activity to the influence of the environment in which such activity happens, copyright enforcement in Nigeria is inexorably linked to the legislative and institutional milieu in which it takes place. Therefore, to make it more effective, reforms targeting identified weaknesses in the legal and institutional frameworks for copyright enforcement in Nigeria are hereby recommended.

7.1 Legislative Reforms

7.1.1 Lessen Burden on Small Rights Holders

It is imperative to amend section 53(12) of the Copyright Act, which gives the Commission wide latitude to determine what fees “and any other requirements” may be needed to channel a notice to the Controller-General of Customs from a right holder that pirated copies of his work were being imported or exported through the country’s borders. The notice, which ought to activate statutory enforcement obligations of both the NCC and NCS, is consequently made subject to the fulfilment of undefined financial considerations.

It should be noted that, at the time of complaint, the right holder would have conceivably lost or be in the process of losing much of his investment because of the piracy being complained about. Being subsequently forced to bear the costs of activating the machinery of two big federal regulatory and law enforcement agencies, as suggested by the Act, is likely to be prohibitive and, as such, a disincentive for small rights holders.

7.1.2 Create a Potent Enforcement Agency

This study also recommends amendment of the Copyright Act to strengthen the NCC, granting it definitive powers in the manner the EFCC Act empowers the EFCC to coordinate “all existing economic

and financial crimes investigating units in Nigeria.”⁶⁰ The EFCC Act further charges the Commission “with the responsibility of enforcing” a plethora of laws listed in the Act, and “any other law or regulation relating to economic and financial crimes, including the Criminal Code and Penal Code.”⁶¹ The EFCC Act unambiguously created a potent and preeminent agency for the enforcement of all economic and financial crime laws; the Copyright Act ought to do the same with the Copyright Commission.

7.2 Administrative Reforms

7.2.1 Full Activation of Police Powers

If the intendment of the Copyright Act was to make the Copyright Commission an enforcement agency, provisions of sections 38(1) and 86(4) that explicitly grant the Commission police powers ought to be implemented in full, against the background of some noted linkages of piracy to violent organised crime⁶² and money laundering.⁶³ Otherwise, the NCC would remain transfixed at the crossroads, indecisive of the path to follow, whether to be an administrative or a law enforcement agency. Even if it settles for a hybrid, the Copyright Commission should be made a strong and effective one.

7.3 Adapting Institutional Reforms from other Jurisdictions

This study identified certain aspects of the copyright administration and enforcement frameworks of three other jurisdictions –Ghana, Botswana and Rwanda, that Nigeria could borrow from. Of the three, Ghana’s 2005 Copyright Act⁶⁴ is the oldest, and its age is reflected in

⁶⁰ EFCC Act (n 9) s 6(n).

⁶¹ *ibid.* s 7(a)-(f).

⁶² RAND, “Film Piracy and its Connection the Organized Crime and Terrorism” (California 2009) <https://www.rand.org/pubs/research_briefs/RB9417.html> accessed 15 September 2026.

⁶³ Akachukwu (n 58).

⁶⁴ Copyright Act, 2005 (Act 690) (n 62).

some of its provisions or lack thereof.⁶⁵ However, all three pieces of legislation –Ghana’s Copyright Act,⁶⁶ Botswana’s Copyright and Neighbouring Rights Act,⁶⁷ and Rwanda’s Law N° 055/2024 of 20/06/2024 on the Protection of Intellectual Property as well as Rwanda’s Law N°30/2018 of 02/06/2018 Determining the Jurisdiction of Courts- provide for full-fledged standalone judicial and quasi-judicial institutions for copyright dispute settlement. There is a Copyright Tribunal for Ghana, an Arbitration Panel for Botswana, and specialised Commercial Courts and a Commercial High Court with appellate jurisdiction over the lower courts for Rwanda.⁶⁸ In contrast, Nigeria has only the Federal High Court, which, in addition to its many other responsibilities, is saddled with exclusive jurisdiction over copyright matters.⁶⁹

Additionally, an aspect of the Rwandan copyright ecosystem that Nigeria could adapt in aid of enforcement is the non-fragmentation of its legal and institutional frameworks. Rwanda in 2024 consolidated its copyright, patents, trademarks, industrial designs, and geographical indications laws in Law N° 055/2024 of 20/06/2024 on the Protection of Intellectual Property, under the Office of the Registrar General in the Rwanda Development Board.

8.0 CONCLUSION

Piracy remains a major obstacle in the way of fully harnessing the economic potentials of Nigeria’s creative industry. Copyright

⁶⁵ The Ghana Copyright Act for instance, lacks provisions for protection of rights in digital works or for a right holder to request a service provider under the law to takedown and block access to an infringing copy of his work.

⁶⁶ Copyright Act 2005 (n 62) ss 51-58.

⁶⁷ Copyright and Neighbouring Rights Act, Cap 68:02 (Act No. 8), 2000, s 33A

⁶⁸ Law N°30/2018 of 02/06/2018 Determining the Jurisdiction of Courts, Chapter II Art 18 10°.

⁶⁹ Copyright Act (n 6) s 103.

enforcement in Nigeria rests on several legislations, some of which, while not expressly mentioning ‘copyright enforcement’, confer powers and spell out mandates for agencies created by such legislation, which are conterminous with copyright protection and enforcement. Copyright enforcement is therefore multi-institutional and expressed through a variety of activities and at different levels of cooperation, including tactical and strategic, with the major collaborating agencies being the Copyright Commission, Nigeria Customs Service, Nigeria Police and the EFCC. Relative to the NCC, the enabling laws of these agencies confer on them, in some cases, explicit powers and, in other instances, wide-ranging and nebulous powers left to be defined as the situation dictates, or at the discretion of the agency.

Furthermore, there are significant gaps in the Nigerian copyright enforcement architecture, including the inadequate operationalisation of legal provisions like section 38(1) of the Copyright Act granting the NCC full police powers, and potential sources of inter-agency operational conflicts embedded in other provisions like section 264(b) of the NCSA. Legislative and administrative reforms, which may require also adapting some relevant other jurisdictions’ models, are necessary to strengthen the NCC and enhance seamless, effective operationalisation of Nigeria’s multi-institutional copyright enforcement mechanisms, with the Nigerian Copyright Commission clearly taking the lead. The reforms would bolster the legal substructure, and enhance the operational capacity of enforcement agencies to be steps ahead of copyright infringers.