Contents

1 Introduction ............................................... 1
  1.1 Structure and Brief Overview of Chapters ............... 1
  1.2 Background ........................................... 2
    1.2.1 Creativity at the Beginning .................... 2
    1.2.2 Exploring Copyright .......................... 4
  1.3 Statement of the Problem ............................... 8
    1.3.1 Collective Management of Copyright and Related Rights 8
    1.3.2 Authors’ Rights and Collective Management of Rights’ 9
    1.3.3 Regulation of Collective Management Organizations in Nigeria 11

2 Tracing the Evolution of Collective Management Organisations in Nigeria. ................. 13
  2.1 Introduction ........................................... 13
  2.2 The Origin ............................................ 13
  2.3 Transition ............................................. 15
  2.4 CMOs in Nigeria Become Indigenous .................. 17
  2.5 Musical Copyright Society of Nigeria ................. 18
  2.6 Performing and Mechanical Rights Society of Nigeria (PMRS) and Copyright Society of Nigeria (COSON) 18
  2.7 Repronig .............................................. 20
  2.8 Tabulated Illustration ................................ 21

3 Legal Framework for Collective Management in Nigeria. .................. 23
  3.1 Background ............................................ 23
  3.2 Structures of Collective Management Organizations .......... 24
  3.3 Legal Framework for Copyright Collective Administration in Nigeria .................. 27
    3.3.1 The 1970 Act .................................. 27
    3.3.2 The 1988 Act .................................. 28
    3.3.3 The 1992 Amendment to the Act ................ 29
3.3.4 The Copyright (Collecting Societies) Regulations, 1993 .......................... 35
3.3.5 1999 Amendment to the Act ........................................ 38
3.3.6 Copyright (Collective Management Organization) Regulation 2007 ............. 39

4 Regulatory Challenges of Collective Management in Nigeria .......... 49
4.1 Background .............................................................. 49
4.2 Challenges from Legal and Regulatory Framework ......................... 50
4.3 Approval Powers of the Commission ................................... 51
4.4 Owner, Assignee, or Exclusive Licensee Versus Collecting Society ......... 52
4.5 Power to Not Approve ................................................ 63
4.6 Constitutionality of Sections 17 and 39 of the Nigerian Copyright Act .......... 66
4.7 The Commission’s Single Society Policy: Monopoly Versus Liberalization ... 69
   4.7.1 Introduction ......................................................... 69
   4.7.2 Legal and Regulatory Framework ................................ 70
   4.7.3 Conclusion ......................................................... 75

5 Conclusion: Nigerian Collective Management of Copyright: In the Right Direction or Going Amiss? ... 79
5.1 Introduction .............................................................. 79
5.2 The Path to the New Regime ............................................ 80
5.3 Regulatory Framework Bringing Hope .................................... 82
5.4 Legal Framework for Collecting Societies in South Africa ............... 84
   5.4.1 Introduction ......................................................... 84
   5.4.2 Three Relevant Enactments to Collecting Societies in South Africa .... 85
   5.4.3 Comparing South Africa and Nigeria. ........................... 88
   5.4.4 Coverage of Rights Administered ................................ 90
   5.4.5 Authorization to Operate ......................................... 92
5.5 Lessons for Africa ....................................................... 95

Table of Cases .......................................................... 97
Newspaper ................................................................. 99
Unpublished Papers ......................................................... 101
Unpublished Report ......................................................... 103
Bibliography .............................................................. 105
Copyright Collective Administration in Nigeria
Lessons for Africa
Ola, O.
2013, X, 110 p., Softcover
ISBN: 978-3-642-35818-0