



The Activities Of The Nigeria Copyright Commission And Corporate Governance

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Abstract

Effective leadership and a high standard of conduct are traits that are reflected in the presence of strong corporate governance. This essay investigates corporate governance with an emphasis on the operations of the Nigeria Copyright Commission. The article adopts a doctrinal approach based on tracing the definition and development of corporate governance in Nigeria; corporate governance laws and codes in Nigeria; the international structure of corporate governance; the structure of the Nigerian copyright commission; the powers and functions of the Nigeria copyright commission; and corporate governance and the activities of the Nigeria copyright commission. The Nigerian copyright commission, which is currently mostly in compliance with worldwide practice and standard, is under inadequate leadership or corporate governance, according to the report, and Nigeria has not made much progress in upgrading its intellectual property laws and regulations. Therefore, in order to provide value and guarantee efficacy under constantly changing conditions, this study suggests using good corporate governance.

Key Words-Commission, Copyright, Governance, Corporate, Activities

1.0 INTRODUCTION

The development of intellectual property requires significant involvement from the government. In addition to being a requirement for foreign investment and technology transfer, the protection of intellectual property rights is essential for fostering innovation, which will define Nigeria's standing in the global knowledge economy.

The Nigerian Copyright Commission, which falls under the Ministry of Justice for copyright-related issues, and the Trademark and Patent Registry, which is under the Ministry of Trade and Investment, respectively, are responsible for overseeing the management of intellectual property.

The National Office of Technology Acquisition and Promotion (NOTAP), a division of the Ministry of Science and Technology, is another government organization concerned with matters pertaining to the regulation of technology transfer. Only if these agencies correctly carry out their duties in accordance with their mission will good corporate governance be seen in them. The administration of copyright is the Nigeria Copyright Commission's mandate. Therefore, copyright issues involving both commercial and public sector stakeholders must be taken into account. Other factors, meanwhile, can interfere with the agency's ability to perform its tasks correctly. Nigeria has not made much progress in modernizing its intellectual property laws and rules, which are currently largely in line with international norms and standards. The primary task is to enhance the management of the legislative, administrative, and enforcement processes in order to increase the effectiveness of the current laws in promoting innovation and safeguarding intellectual property rights (IPR).

The function of government in meeting development requirements makes determining good governance in this organization simple. This study begins with the admission of three crucial facts.

a. Corporate Governance in the commission MUST be accepted for this reason alone because it CANNOT be ignored. (Barry H. 2003).

- b. However, corporate governance SHOULD be embraced because the commission can benefit much from it. (Barry H. 2003).
- c. The three pillars of "excellent corporate governance, good government, and good business" go hand in hand. (Barry H. 2003).

The Nigeria Copyright Commission is accountable for upholding the highest standards of morality, integrity, justice, and propriety in all of its dealings with private and public intellectual property rights. It demonstrates adherence to sound corporate governance principles and due diligence. Compliance with laws and regulations, prioritizing the needs and interests of the general public, stakeholders, or service users, and detecting, assessing, reducing, or eliminating risks are the fundamental prerequisites of due diligence. Contrarily, the word "governance" is derived from the Latin verb "governare," which refers to steering a ship. This suggests that corporate governance involves more of the role of direction than of control. (Jill S. and Aris S. 2004; Ayoyemi A. and Ekandayo V. 2014).

This article will analyze corporate governance and the operations of the Nigerian copyright commission against this backdrop. Following this introduction, which is the first portion, the article is broken into eight sections.

The second section looks at the development and concept of corporate governance. It asserts that corporate governance is a component of a larger economic environment in which businesses and government entities function. Furthermore, it asserts that good corporate governance is essential to every firm since it increases access to outside funding, investment, growth, and job creation.

The third section focuses on Nigerian corporate governance laws and regulations. It makes the case that the corporate governance regulatory framework is an international phenomena. While there are international standards for good corporate governance, there are also national standards based on regional requirements and national characteristics.

The worldwide corporate governance framework is covered in Section 4. It makes the case that the Nigerian Code of Corporate Governance incorporates components of global best practices as outlined in the papers of the Global Corporate Governance Forum (GCGF) and the International Finance Corporation (International Finance Corporation 1956). The organization for economic cooperation and development (OECD), for example, has produced basic corporate governance principles that are seen as embodying the moral consensus of the global society. This article also claims that corporate governance has become a major concern around the globe. (Omankhanlen A. E., Taiwo N.T and Okorie U. 2013).

Section 5 described the Nigeria Copyright Commission's organizational structure. It asserts that the commission is governed by a governing board made up of twelve (12) members, including a chairman, the director general of the commission, a representative from each of the federal ministries of justice and education, a representative from the Nigerian Police Force, a representative from the Nigerian Custom Service, and six additional individuals appointed by the minister to represent authors in the literary, artistic, and other fields as effectively as possible. It further claims that the board's broad membership, which spans a variety of industries, is intended to place the future of copyright in Nigeria in the hands of the proprietary owner and public employees whose official duties include governing legislation, promoting public policy, and administering copyright. (Ocheme P. A. 2000).

The Nigerian copyright commission's authority and duties are discussed in Section 6. It asserts that the Nigerian Copyright Commission was established in accordance with Section 34(1) of the Copyright Act (C28 Laws of the Federation of Nigeria). It further asserts that the Act mandates that the commission be in charge of all issues relating to copyright in Nigeria, monitor and oversee Nigeria's position in relation to international conventions and advise government thereon, advise and regulate terms for the conclusion of bilateral and multilateral agreements between Nigeria and any other country, educate and inform the public on issues relating to copyright, and maintain an effective data bank on a regular basis. (S 34(3) (a-f) Copyright Act 2004).

Corporate governance and the operations of the Nigerian copyright commission are the main topics of Section 7. It makes the case that corporate governance has a major role in a government agency's desire to offer better services. It further contends that the role of the Nigerian Copyright Commission and the services it provides to stakeholders are entwined with the commission's ambitions to foster the growth and development of a strong copyright system as a crucial tool for reform and global economic development. Finally, it makes the case that implementing sound corporate governance will enable the commission's goal to be realized. The article's eighth section offers suggestions for further reading.

1.2 DEFINITION AND GROWTH OF CORPORATE GOVERNANCE IN NIGERIA

Board members and top executives utilize governance as their overall management strategy to oversee and guide a firm. It checks to see if crucial information is accurately and completely conveyed to the right organizational levels. A company's governance aims to strike a balance between the interests of its various stakeholders, including shareholders, management, clients, suppliers, financiers, the government, and the general public. The Cadbury Report's fundamental description of corporate governance refers to it as the "system by which firms are directed and controlled." (The Committee on the Financial Aspect of Corporate Government and Gee Co. 1992). The Organization for Economic Cooperation and Development's principles offered a more comprehensive definition, viewing corporate governance as a component of the broader economic environment in which businesses operate and defining it as the entirety of the interactions between shareholders, management, and stakeholders. (Simisola I. A. Iyaniwuru S. K. 2017). Moreover, according to the Organization for Economic Co-operation and Development (OECD), corporate governance is a term that "involves a set of relationships between a company's management, its board, its shareholders, and other stakeholders." The OECD is a special forum where the governments of 30 democracies collaborate to address the economic, social, and environmental challenges of globalization. Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Korea, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Spain, Sweden, Switzerland, Turkey, United Kingdom, and United States are all OECD members. Corporate governance also offers the framework for establishing the goals of the organization, deciding how to achieve them, and assessing performance. Effective monitoring should be made possible by good corporate governance, which should offer the board and management the necessary incentives to achieve goals that are in the best interests of the business and its shareholders. Corporate governance is to promote responsible management and raise accountability.

Corporate governance is crucial and essential for firms since it increases their ability to get capital. It results in expanded access to external financing for businesses, which can then fuel additional investment, growth, and job creation. In addition to influencing the availability and volume of external finance, the effectiveness of the corporate governance system also has an impact on the cost of capital and the firm valuation. If outside parties are less certain that they will receive an appropriate rate of return, they are less likely to offer funding and are more likely to charge higher rates. In general, improved interactions with all stakeholders are a result of good corporate governance, which also helps to solve concerns like environmental protection, social and labor relations, and further reducing poverty and inequality. Companies must operate legally and ethically, respect shareholders' interests, and abide by all applicable rules and regulations in order to practice good corporate governance. It decreases the cost of capital, and the resulting increase in corporate valuation makes additional investments appealing to investors, spurring growth and increasing employment. By better allocating resources, corporate governance improves operational performance, and better management generates wealth more broadly. Financial crises can have significant economic and social costs, making it necessary to decrease their risk as much as possible through good company governance. Businesses gain from well-governed corporate frameworks by performing better and treating all stakeholders more favorably. The impact of mergers and acquisitions on businesses and their worth is another area where corporate governance is important (M & A). This shows that an active M&A market only develops in nations with superior investor protection, which is a crucial element of a corporate governance framework. (Adeola E.A. 2021).

1.3 CORPORATE GOVERNANCE LEGISLATION AND CODES IN NIGERIA

A universal phenomena is the corporate governance regulatory framework. While there are international standards for good corporate governance, there are also national standards based on regional requirements and national characteristics. The Companies and Allied Matters Act, 2020 has a variety of laws relevant to corporate governance. In Nigeria, provisions of company law essentially influence how businesses are governed, controlled, and regulated. The Securities and Exchange Commission Act of 1988, the Bank and Other Financial Institutions Act of 1999 (as modified), and other laws are also relevant (as amended). Some of the OECD's corporate governance concepts are reflected in these legislation, which provide the CAC, SEC, and CBN control over corporate governance (Stephen A. Ejubekpokpo B., and Esuik U. (2013). A number of industry authorities created corporate governance standards for businesses operating in their sectors in response to issues in the corresponding industries. The sectoral codes are (Nigeria Corporate Governance Code 2018):

1. Code of Corporate Governance for the Telecommunication Industry 2016, issued by the Nigerian Communications Commission (replaced 2014 NCC Code);
2. Code of Corporate Governance for Banks and Discount Houses in Nigeria 2014 issued by the Central Bank of Nigeria (replaced 2006 CBN Code);
3. Code of Corporate Governance for Public Companies in Nigeria 2011 issued by the Securities and Exchange Commission (replaced 2003 SEC Code);
4. Code of Good Corporate Governance for Insurance Industry⁶ in Nigeria 2009 issued by the National Insurance Commission; and
5. Code of Corporate Governance for Licensed Pension Fund Operators 2008 issued by the National Pension Commission.
6. The Nigerian Code of Corporate Governance 2018 (Adeola E. A. 2021).

1.4 INTERNATIONAL STRUCTURE OF CORPORATE GOVERNANCE

The International Finance Corporation (IFC), IFC 1956, and Global Corporate Governance Forum (GCGF) papers, which outline international best practices, are referenced in the Nigerian Code of Corporate Governance. Organizations like the Organization for Economic Co-operation and Development (OECD) have produced key principles of corporate governance that are seen as expressing the moral consensus of the global community as corporate governance has become a topic of considerable importance worldwide (Omankhanlen A. E. Taiwo N. J. and Okorie U. 2013). By funding private sector investment, raising money on global financial markets, and offering commercial and governmental advising services, IFC promotes sustainable economic growth in developing nations. IFC supports businesses and financial institutions in developing nations to increase employment, tax income, corporate governance, environmental /performance, and social responsibility. The Organization for Economic Co-operation and Development (OECD) is a special platform where the governments of 30 democracies collaborate closely with many other economies to confront the economic, social, and environmental concerns of globalization. Corporate governance is one of these issues, and the OECD has created internationally accepted Principles of Corporate Governance on this subject, which have been the foundation for regional policy dialogue programs all around the world. The Global Corporate Governance Forum is a multi-donor trust fund facility run by International Finance Corporation (IFC) that is housed in IFC Advisory Services. The World Bank and the Organization for Economic Co-operation and Development (OECD) together launched the Forum in 1999. Through its activities, the Forum hopes to increase the role of the private sector as a driver of economic growth, lessen the likelihood that developing and transitioning economies will experience a financial crisis, and encourage businesses to make investments and operate effectively while upholding social responsibility. In the framework of larger national or regional economic reform projects, the Forum supports regional and local efforts that address the corporate governance deficiencies of middle- and low-income nations (Adeola E. A. 2021).

1.5 STRUCTURE OF THE NIGERIA COPYRIGHT COMMISSION

The Commission is governed by a governing board made up of twelve (12) members, including a chairman, the director general of the commission, one representative from each of the federal ministries of justice and education, one from the Nigerian Police Force and one from the Nigerian Customs Service, and six additional individuals appointed by the minister to represent writers in the areas of literary, artistic, and musical works as effectively as possible (Section 20 Copyright

Act 2004). The board's diverse membership, which spans several industries, is intended to give proprietary owners and public employees with official responsibilities for legislation, public policy, and copyright administration control over the future of copyright in Nigeria (Ocheme P. A. 2000). The Act does not explicitly describe the duties of the board, as can be seen by reading the provision. This could be a mistake made by the lawmakers or draftsmen, depending on the circumstance, which will unavoidably reduce the effectiveness of the board. The day-to-day management of the Commission is under the control of its Director-General, who is also a member of the board. (Section 36(2) Copyright Act 2004).

Abuja is where the Commission's main office is. The organization's nine zonal offices are spread across Lagos (which serves as the hub for important operations), Enugu, Ibadan, Benin, Yola, Kano, Makurdi, Port-Harcourt, and Onitsha. There are five liaison offices for it as well, and they are in Owerri, Kaduna, Bauchi, Uyo, and Ilorin. It employs a total of 261 people, of whom 132 work in the Abuja office and 130 are dispersed around the other zones. It is said that the staff strength is woefully inadequate given the size of Nigeria and its dense population. For administrative purposes, the various departments and units of the Commission are: Information Technology Unit, Anti Corruption Unit, Registry Unit, Procurement Unit, Legal Unit, Internal Audit Unit, Regulatory Department, Enforcement Department, Prosecution Department, Public Affairs Department, Finance and Accounts Department, Administration Department, Planning, Research and Statistics Department and the Nigerian Copyright Institute (Ezekude A., 2011, Zainab A. H. 2017).

1.6 POWER AND FUNCTIONS OF THE NIGERIAN COPYRIGHT COMMISSION

The Copyright Act provides for the establishment of the Nigerian Copyright Commission (Section 34(1) Copyright Act 2004). According to the Act, the Commission is in charge of all issues relating to copyright in Nigeria. It also monitors and oversees Nigeria's position in relation to international conventions and advises the government on such matters. The Commission also advises and controls the conditions for the conclusion of bilateral and multilateral agreements between Nigeria and any other country. It also educates the public on copyright-related issues. It also maintains an effective database on authors and their works. (Section 34 Copyright Act 2004). In order to increase the availability and circulation of works, the Commission may also create a licensing panel and issue mandated licenses for the translation and reproduction of specific works (Section 37 Copyright Act 2004); To designate copyright inspectors to enter, inspect, and examine any structure that is logically suspected of being used for any activity that constitutes infringement at any reasonable time; to conduct any examination, test, or analysis of such premises or evidence; to make any arrest; to prosecute; to conduct; or to defend before a court any matter arising under the Act. (Section 38 Copyright Act 2004); to accredit and oversee collecting societies created with the intention of obtaining licenses, collecting royalties, and distributing those revenues to copyright owners (Section 39 Copyright Act 2004); To distribute money from levies among approved societies (Section 40(3) Copyright Act 2004); The Commission will have the authority to specify any anti-piracy technology for use on or in connection with any work in which copyright is retained, with the minister's agreement. (Zainab A. A. 2017; Section 21 Copyright Act 2004).

1.7 CORPORATE GOVERNANCE AND THE ACTIVITIES OF THE NIGERIA COPYRIGHT COMMISSION

This section begins by emphasizing that corporate governance—the process by which organizations are directed, controlled, and held accountable—is crucial to a government agency's efforts to deliver better services. Corporate governance affects an organization's purpose, values, culture, stakeholders, including employees, and mode of operation.

The objective of the Nigerian Copyright Commission and the services it provides to stakeholders are entwined with the Commission's aim to foster an environment that will encourage the growth of a strong copyright system as a crucial tool for reform and global economic development. The Commission should be aware that corporate governance standards have an impact on the economic performance and the industry's capacity to draw in capital. "The degree to which an economy is able to attract investment will depend on the status of that economy, since governance is concerned with how to ensure that managers use the company's assets effectively," (Ajogwu F. 2014).

The adoption of sound corporate governance will help the Commission realize its vision. Additionally, the Commission must exercise due diligence and adhere to strong corporate governance practices in order to fulfill its goal to promote the administration, protection, and enforcement of copyright. The Commission was quiet or inactive in copyright matters for a decade under various directors general, but under Adebamo Adewopo's leadership, the anti-piracy campaign was aggressively pursued under the Strategic Action Plan against Piracy (STRAP) initiative and Copyright Litigation and Mediation Program (CLAMP), which was introduced in 2005 (WIPO 2012). These actions served as a means of ensuring that the Commission's responsibilities were carried out properly and in line with its mandate. The measures aimed to safeguard copyright holders, find a workable resolution that would benefit both the owners and users of the rights generally, and establish institutional reforms for the growth of copyright and intellectual property in Nigeria. (Ayoyemi A. and Okundayo).

Activities of The Nigerian Copyright Commission

The Commission created the STRAP (Strategic Action Plan on Piracy) program in 2005 as a response to piracy. The three strategic platforms that make up the STRAP program are enforcement, rights administration, and public awareness/education.

Enforcement

As previously indicated, enforcement includes the confiscation of counterfeit goods and the prosecution of alleged infringers following complaints from rights holders. Additionally, it has anti-piracy mechanisms. Following methods have been used to enforce:

Anti-Piracy Measures

Making multiple, unauthorized copies of works that are copyright-protected for profit is considered piracy. Sodipo identified the following factors as the root causes of piracy: quick profit, low promotional investment and risk, ease of production and low cost opportunity, unmet market demands, brittle market lines, strategically located operational base in terms of commerce, difficulty of detection and proof, nonexistent or ineffective legal process, and slow legal process (Sodipo B. 2000).

The Act forbids the ownership of tools, instruments, or devices that can be used to make things like gadgets and materials that can be used to illegally copy works in order to combat piracy. Any item used or potentially utilized to violate the copyright of a work is subject to a charge, which must be paid into the Commission's treasury (Section 21(3) Copyright Act 2004).

Additionally, Section 21 of the Copyright Act of 2004 gives the Commission the authority to prescribe any design, label, mark, impression, or other anti-piracy device for use on or in connection with any work in which copyright is in effect and to establish regulations to that end (Section 21 Copyright Act 2004). In order to comply, the Commission established the Copyright (Security Devices) Regulations 1999, which mandate the use of hologram stamps as an anti-piracy tool in relation to sound recordings and cinematograph films intended or offered for sale, rental, hiring, lending, or other forms of public distribution to the general public for commercial purposes in Nigeria. Accredited producers and importers must apply the hologram stamp, which is a tamper-proof sticker, on each cassette, disc, or other medium on which the sound recording or film is housed in such a way as to make the hologram visible to potential customers. (Section 1 and 2 Copyright (Security Devices) Regulations 1999).

The possession, reproduction, or counterfeiting of any anti-piracy device is unlawful and is punishable by a fine of not more than N500, 000, a fine of not more than five years, or both such fine and imprisonment under the provisions of the Act on the sale, hire, or rental of any work without a prescription, the importation into Nigeria of any machine, instrument, or device, or the possession of any such item. (Section 21 Copyright Act 2004).

Video Rental Scheme

A Video Rental Scheme has been put in place to monitor copyright infringement through the required accreditation of video rental stores. The Commission created the Copyright (Video Rental) Regulation, 1999 in accordance with this plan. Every accredited outlet is required to submit returns to the Commission in accordance with the Regulation, which states that distribution by way of trade, offer for sale, hire, or any other method or for any purpose harmful to the owner of the copyright is an infringement and a direct act of piracy (Section 4 Copyright

Video Rental) Regulations 1999). How many outlets care to do that, is the obvious issue. According to Section 5 Copyright (Video Rental) Regulation, 1999, the outlets may only rent the authorized rental copies of creative works, the replication of which is prohibited.

Raids and Inspection of Premises

Any building or premises that he reasonably suspects is being used for any activity that violates copyright may be entered, inspected, and examined at any reasonable time by a copyright inspector appointed by the Commission. He also has the authority to arrest anyone he believes to have committed an offense (Section 38 Copyright Act 2004).

When it comes to the investigation, prosecution, or defense of a civil or criminal case under the Act, a copyright inspector has all the authority, privileges, and responsibilities of a police officer as established by the Police Act and any other applicable legislation. The Commission is able to conduct enforcement actions thanks to the broad authority granted to copyright inspectors. The Commission has conducted numerous raids and anti-piracy operations over the years. In 2014, ninety five (95) anti-piracy surveillances were conducted; Thirty-eight (38) strategic anti-piracy operations against book, software, broadcast and audio-visual piracy in Alaba international market, Ajegunle, Oshodi, Mushin and Ijora in Lagos, Abuja, Ariara Market Aba, Onitsha, Kano, Warri, Benin City, Uyo, Calabar, Gboko, Makurdi and so on; Arrest of Seventy-Two (72) suspected pirates; Removing three hundred twenty three thousand, eight hundred sixty (323,860) portions of various pirated copyright works with a market value of thirty eight million, eight hundred nineteen thousand, six hundred naira (N308,819,600); seizing three (3) containers of pirated works at various seaports in Lagos in cooperation with the Nigerian Customs Service (NCC 2014).

But acting as the police in copyright disputes is no easy chore for copyright inspectors. First off, the Act made no mention of any requirements for the appointment of the copyright inspectors, including whether or not they needed any prior experience in the police force or other military training. Furthermore, the copyright inspectors are not armed. This is crucial since the infringers can be hostile and armed.

Prosecution of Cases

One strategy for deterring infringement is to prosecute those who commit it. The Act grants the Commission the authority to name copyright inspectors as it sees fit to conduct or defend any charge, information, complaint, or other process arising under the Act in court (Section 38 Copyright Act 2004). This is a positive development because the police already have a large number of cases to pursue and because the copyright inspectors, who were trained through the STRAP initiative, may have more experience with copyright litigation than the police have. The Federal High Court is the only place where cases can be brought to trial, whether they are civil or criminal. (Section 16 Copyright Act 2004). The Commission secured nine criminal convictions in 2014 alone (NCC 2014), with thirty-six (36) copyright pending cases between 2011 – 2014 (NCC 2014).

The Commission started the Copyright Litigation and Mediation Programme to speed up dispute settlement in light of the slow pace of litigation (CLAMP). The CLAM is a crucial part of STRAP, which was developed to allow small rights holders the chance to bargain licenses and out-of-court settlements with infringers. (Ezekude A. 2011).

The Nigerian economy loses eighty-two (N82) billion naira annually to software piracy, according to a study on copyright piracy in Nigeria performed by the business software alliance (a organization responsible for the promotion of the aims of the software sector). According to the survey, Nigeria is one of the nations with the greatest rates of software piracy, intellectual property theft, and other nefarious information technology (I.T.) industry practices, which hinders technology companies' capacity to develop new technologies and more jobs (Cloud Computing Magazine 2014). The three most prevalent types of piracy in Nigeria are the creation of pirated optical discs, commercial software theft, and book theft (IIPA 2009). Nigerian pirate factories are capable of shipping goods as far as Algeria, Senegal, and South Africa (Dejji O. 2011). There are currently 15 legal CD manufacturing facilities, each of which produces 100,000 CDs each day, as opposed to the millions produced by illicit plants. This leaves a gap for copycats to fill, providing a lucrative market for their goods (wipo 2008). The lucrative nature of the illicit trade drives many copyright owners into poverty and motivates pirates to step up their operations.

Rights Administration

The management of collective rights, the notification and management of intellectual property rights, and ensuring that manufacturing facilities comply with the law are all included in rights administration. The following methods have been used by the Commission to administer rights:

Approval and Regulation of Collective Management Organizations

The Commission is empowered by the Act to approve the formation of collecting societies in accordance with its terms and conditions (Section 39 Copyright Act 2004). In order to protect the interests of its members, right owners form a collecting society, also known as a collective management organization (CMO). It does this by negotiating royalties, granting licenses to users of its members' works, distributing these royalties to its members, and instituting legal action on their behalf (Section 39 and 16 Copyright Act 2004).

The Reprographic Rights Organization of Nigeria (REPRONIG), which was founded in 2001 to represent the rights of authors of literary works, The Copyright Society of Nigeria (COSON), which was founded in 2010, and The Audio-Visual Rights Society (AVRS), which was founded in 2014, all received approval from the Commission prior to their formation. In order to exercise its regulatory authority, the Commission has created the Copyright (Collective Management Organizations) Laws of 2007. These regulations outline rules for the management of collecting societies (Section 39 Copyright Act 2004).

The Commission works closely with sector players, including national organizations like the Performing Musicians Association of Nigeria (PMAN), the Optical Discs Replicating Plants Association of Nigeria (ODRAN), and the Nigeria Publishers Association (NPA). It works in conjunction with international stakeholders including the World Intellectual Property Organization (Ezekude 2011).

Copyright Notification Scheme

The copyright notification method is a different endeavor that was started to make it easier to create a database of authors and their works. This is consistent with the Commission's mandate to maintain a useful data bank on writers and their works (Section 34 Copyright Act 2004). Through the program, an author or owner of a copyright work can notify the Commission that they are the work's creator or copyright owner. According to the data bank record maintained by the Commission, 16,372 works have been recorded so far under this scheme (Register of Works 2015). It is important to remember that under the Act, enjoyment of copyright is automatic and is not dependent on any kind of registration. It would therefore seem as though the notification mechanism is attempting to create some sort of registration or formality. Since registration or notification is not necessary for copyright protection, the absence of notification will not in any way prevent such works from being protected by the copyright. Because of this, even while the Law permits it, such a behavior may be heraldry justified. Some authors, including Ocheme, have argued for the idea that registration should be a necessity for copyright protection, as is the case in some other places. This author begs to differ (Ocheme P. A. 2000). It is said that the scheme doesn't seem justified until this is done.

Regulation of Optical Disc Plants

The Copyright (Optical Discs Plants) Regulation was created by the Commission in 2006 to stop the ongoing illicit manufacturing and distribution of copyright items. For the production, importation, and exportation of optical discs, production components, and manufacturing equipment, the rule (Section 1 Copyright (Optical Disc Plant) Regulation, 2006) mandates mandatory registration. A certificate and personal identity number will be given to the applicant by the Commission upon registration (Section 1 Copyright (Optical Disc Plant) Regulation, 2006). According to Section 5 Copyright (Optical Disc Plants) Regulation, 2006, each optical disc and each production component made in Nigeria must bear the proper manufacturer's code. The Commission's former Director General said that all manufacturing facilities had until the first day of June 2010 to apply the SID code to optical discs (Adewopo A. 2010). This shows that not all manufacturers consistently apply the code to their goods, which is why the deadline for compliance was set. The installation of special equipment specifically for that purpose will be required to apply the code, which may account for why compliance has not yet fully begun. The code was created to aid in the prevention of optical disc piracy by the International Federation

of Phonogram and Videogram Producers (IFPI), which represents the recording industry globally. The code serves as both a quality assurance tool and a marketing tool to identify the manufacturer of the optical disc replication equipment.

Public Enlightenment and Education

The enlightenment component aims to promote respect for IP among users and encourage creativity by educating stakeholders about their IP rights and how to defend them. The Commission's educational initiatives include the following:

Public Enlightenment

The Commission's statutory duties include educating and informing the public on issues related to copyright (Section 34 Copyright Act 2004). This is due to the realization that most copyright owners and violators are unaware of the law. This could be the cause of the low number of complaints and legal actions against infringers. Facilitate the distribution of knowledge and information about copyright is one of the Commission's stated missions (Ezekude A. 2011). The STRAP initiative's enlightenment approach arranges seminars, workshops, and specialized trainings with the goal of educating participants about their intellectual property rights and how to protect them. Information about the Commission's actions and other copyright concerns can be found on its active website. The Commission publishes "copyright News," a quarterly magazine (Section 34 Copyright Act 2004). It organizes an annual forum where renowned academics from Nigeria and outside offer technical papers on current copyright issues.

By establishing copyright clubs in schools, STRAP also targeted young people. Ten schools have participated in the initiative thus far, two of which are in the Federal Capital Territory and eight of which are in the southwest of Nigeria (WIPO Publication 2008). The Commission also launched a website called "Creative Kids Club," held awareness-raising workshops in a few Abuja secondary schools, and scheduled a sensitization lecture at the Nigeria Law School's Abuja campus (NCC 2014).

In Abuja and the southwest, not to mention the wider regions of the country where there are no clubs, it is argued that the number of clubs is severely insufficient for the number of schools. Additionally, it is said that the Commission's enlightenment campaign's medium is insufficient. This is due to the fact that radio, television, and newspapers are more accessible to the majority of Nigerians, particularly the consumers of such works, than seminars, workshops, and the internet.

Research and Training

According to its mission statement, the Commission's goals are to develop human resources' copyright knowledge and skills and to make it easier for that knowledge to be shared (Ezekude A. 2011). In order to further this goal, the Commission established the Nigeria Copyright Institute under its department of manpower development. The Nigeria Copyright Institute will conduct research and deliver training programs to improve human resource management, succession, planning, and capacity building at all levels (Local and International). Programs for staff retraining and training have been in high gear (Ezekude A. 2011). A training course for IP lawyers was developed by STRAP with help from the World Intellectual Property Organization (WIPO) Academy. They first taught the trainers, then the IP attorneys, and now they help other African nations organize study abroad programs (WIPO 2008). The Australian Leadership Award Fellowship (ALAF) sponsors the DL Queensland University of Technology, Brisbane, Australia fellowship, which trains IP lecturers from various Nigerian universities in addition to IP practitioners and Commission staff. The Commission has mandated that all of its officers obtain fundamental copyright knowledge (Ezekude A. 2011).

To assist scholars, attorneys, and other users of intellectual property, the Commission built dedicated libraries in its Abuja and Lagos offices. Specialty books, periodicals, and other materials are abundant in the libraries (Ezekude A. 2011).

Curriculum Development and Publication

The Commission created its own teaching materials for IP from a local viewpoint utilizing local examples and cases as part of the STRAP Program. Teaching resources and curricula have been made available to Nigerian universities for use in order to standardize the teaching of IP there.

In order to raise money for research, the Commission works with a variety of institutions and donor organizations. For instance, the Ford Foundation funded a research on the state of copyright in Nigeria (WIPO Publication 2008). The Commission and the WIPO are now in talks about the Commission supporting a postgraduate program in Nigeria. The Commission also publishes textbooks in addition to its quarterly journal (Asein J. O. 2004; Zainab A. H. 2017).

1.8 CONCLUSION

Despite the critical need for intellectual property reform, Nigeria's lengthy legislative procedure frequently prevents measures from becoming laws. In fact, there have been efforts to alter Nigeria's laws governing intellectual property. The 1988 promulgation of the Nigerian Copyright Act was followed by modifications in 1992 and 1999. This legal evolution was regarded as successful, but the 1991 draft industrial property bill's treatment of patents and trademarks fell short of success. The Nigerian government attempted to restructure the management of intellectual property in 1999. An intellectual property commission was supposed to be established to address all facets of intellectual property law. An interministerial committee made suggestions to guarantee the committee's objective was accomplished. The committee was made up of stakeholders and government entities. The goal of managing intellectual property through a single government agency, however, was not achieved. The Nigerian Intellectual Property Commission Bill (NIPCOM) was drafted in 2006. This measure was a follow-up to the industrial property bill from 1991, including copyright and related issues, but it has not yet become law. The Bill evaluated the many facets of Nigerian intellectual property law. The likelihood that the NIPCOM Bill will become outdated before becoming law increases with the length of time it takes for it to be passed into law. The Nigerian Copyright Commission recently made another effort to update the copyright legislation in 2010 and 2012, respectively, to add provisions for digital challenges.

In some places, government is a contributing factor to the bad state of intellectual property. The situation of law reform, in Adebambo Adewopo's opinion, is more political than legal (Adewopo A. 2011). He believes that the main causes are a lack of political will and legislative action; in addition, he believes that the proposed measures would have significantly improved the development of intellectual property administration, jurisprudence, and practice (Adewopo A. 2011). The issue has been made worse by the legislators' lack of expertise in the field of intellectual property. Legislators are unaware of the need for laws governing intellectual property to be passed quickly. The most important motives for the urgency are to meet the needs in this area specific to the Nigerian environment, comply with the requirements of an intellectual property system as required by various intellectual property agreements, and bring Nigeria into line with global intellectual property trends.

Effectiveness in constantly changing conditions is ensured by good governance, which adds value. It accomplishes more than just achieving performance goals; it strikes a balance between the necessity of compliance and the advantages of the commission using creativity in its operations.

Only when the requirements and desires of the general public are recognized can stakeholders be satisfied effectively. The Nigeria Copyright Commission understands some of the demands of the stakeholders in the copyright sector, including the eradication of piracy. As a result, the commission continues to fight piracy. In order to make judgments and to speak openly and honestly about their performance, the commission has used research and consultation. Effective internal communication is a reflection of effective stakeholder communication. Communication with stakeholders will be challenging if there is inadequate corporate governance or poor leadership inside the commission. Honest evaluation of performance—good or bad—accurate reflection of improvement opportunities, candor about mistakes, appropriate apologies, and evidence that the commission learns from its mistakes are all essential components of effective communication.

The study's conclusions include that Nigeria has inadequate corporate governance and poor leadership in the commission. In order to achieve more than simply meeting performance targets and to balance the benefits of being innovative in what the organization does and how it does

it, the paper suggests good corporate governance. This will add value, ensure effectiveness in constantly changing circumstances, and achieve more than simply meeting performance targets.

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