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AN APPRAISAL OF THE RELEVANCE OF NEIGHBOURING RIGHTS TO THE PROTECTION OF COPYRIGHT IN NIGERIA

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ABSTRACT

Neighbouring rights, also known as related rights, constitute an important component of intellectual property law. They protect the interests of performers, producers of sound recordings, expressions of folklore and broadcasting organisations whose activities contribute to the dissemination and commercial exploitation of creative works. Although copyright primarily protects original literary, musical, artistic and other qualifying works, neighbouring rights extend legal protection to certain performances, recordings and broadcasts associated with those works. In Nigeria, the Copyright Act 2022 provides the principal statutory framework for copyright protection and recognises relevant interests associated with performers and other rights holders. Nevertheless, the effectiveness of neighbouring rights protection continues to be affected by digital piracy, inadequate public awareness, and difficulties in royalty collection, institutional constraints and the increasing complexity of digital distribution. This article examines the concept, nature and historical development of neighbouring rights, analyses their relationship with copyright, considers the relevant Nigerian legal framework and international instruments, and evaluates their significance for the protection of creative works. It argues that neighbouring rights complement rather than replace copyright and that their effective enforcement is necessary for fair remuneration, investment, cultural preservation and the sustainable development of Nigeria's creative industries. The article concludes with recommendations for strengthening legislative implementation, institutional capacity, collective rights management and public awareness.

KEYWORDS: Copyright, neighbouring rights, related rights, performers' rights, sound recordings, broadcasting organisations, digital piracy, folklore, Nigeria.

1. INTRODUCTION

Intellectual property law provides legal protection for the products of human creativity, innovation and intellectual endeavour. Within this broad field, copyright occupies a central position because it protects qualifying creative works, including literary, musical, artistic and audiovisual works, subject to the applicable statutory requirements. Copyright gives the relevant rights holder's legal control over specified uses of their works and provides remedies against unauthorised exploitation.

However, the commercial exploitation of creative works frequently involves individuals and organisations other than the original authors. A musical composition, for example, may involve a songwriter, a singer, instrumentalists, a sound-recording producer, a record company and a broadcasting organisation. Each participant may make a distinct contribution to the eventual commercial product. Consequently, a legal system that concentrates exclusively on the original author may fail to address adequately the interests of those whose performances, technical expertise and investments facilitate the communication of creative works to the public.

Neighbouring rights emerged to address this concern. They recognise certain rights associated with performances, sound recordings and broadcasts. Their purpose is to complement copyright by extending appropriate legal protection to persons and organisations whose contributions are connected with the dissemination and exploitation of creative works.[11]

In Nigeria, neighbouring rights are relevant to the music, film, broadcasting, theatre and digital entertainment industries. Performers regularly appear in live shows, films, recorded music and online productions. Producers invest resources in the creation and distribution of recordings, while broadcasting organisations invest in the production and transmission of programmes. The unauthorised recording, reproduction, distribution or communication of these materials may undermine the economic interests of the relevant rights holders.

The enactment of the Copyright Act 2022[2] represents an important development in Nigeria's copyright framework. The legislation must, however, be evaluated not merely by reference to

[1].World Intellectual Property Organization (WIPO), Understanding Copyrght and Related Rights (WIPO Publication No 909) particularly the discussion of Copyright and Related rights.

[2] Copyright Act 2022(Nigeria)

the rights it recognises but also by examining whether those rights can be identified, licensed, enforced and translated into fair remuneration.

This article appraises the relevance of neighbouring rights to copyright protection in Nigeria. It examines the conceptual foundations of neighbouring rights, the distinction between copyright and related rights, the Nigerian statutory framework, international legal standards, the economic and cultural significance of protection, and the challenges affecting effective implementation.

2. CONCEPT AND NATURE OF NEIGHBOURING RIGHTS

Neighbouring rights are rights granted to specified persons and organisations whose activities are closely connected with the performance, fixation, production or communication of creative works. They are described as neighbouring or related rights because their protected subject matter is associated with copyright works, although the rights do not necessarily arise from authorship of the underlying work.

The traditional categories of neighbouring rights concern four principal groups: performers, producers of phonograms, expressions of folklore and broadcasting organisations. The precise scope of protection depends on the applicable national legislation and international obligations.

Performers include persons who sing, act and dance, play musical instruments, recite literary works or otherwise perform literary or artistic works. Their rights recognise the contribution involved in interpreting and presenting creative material. A singer, for instance, may contribute a distinctive vocal interpretation to a musical composition even though the singer did not write the lyrics or compose the music.

Producers of sound recordings undertake the organisational, technical and financial activities involved in producing a recording. Their interests concern the recorded sounds as a distinct product. A recording may therefore attract protection separate from the copyright in the musical composition and the rights associated with the performances embodied in it.

Expressions of folklore constitute an important part of the cultural heritage and identity of a community or nation. They include traditional cultural expressions such as folk songs, dances, stories, proverbs, artistic designs, handicrafts, rituals, traditional music, and other forms of creative expression that are transmitted from one generation to another. These expressions often reflect the history, beliefs, customs, values and traditions of the communities from which they originate.

Broadcasting organisations transmit programmes to the public through radio, television or other relevant broadcasting systems. Their related rights recognise specified interests in broadcasts and transmissions. The existence and scope of such protection must be determined by reference to the applicable statutory provisions.

Neighbouring rights are not a single, uniform entitlement. The rights of performers differ from those of recording producers and broadcasting organisations. Accordingly, each claim must be assessed by identifying the relevant subject matter, rights holder, restricted act, applicable exceptions and available remedy.

The fundamental purpose of neighbouring rights is to establish an appropriate legal relationship between the creative contribution, the investment involved in its exploitation and the rights necessary to prevent unauthorised use. They do not ordinarily extinguish the copyright of the original author. Instead, copyright and neighbouring rights may coexist in relation to the same commercial product.[3]

3. HISTORICAL DEVELOPMENT OF NEIGHBOURING RIGHTS

The historical development of neighbouring rights is closely connected with technological advancement. Traditional copyright systems were principally concerned with the protection of authors and the reproduction or dissemination of their works. However, the development of photography, sound recording, cinematography, radio and television created new forms of exploitation that could not be addressed adequately by concentrating exclusively on authorship.

The emergence of sound-recording technology made it possible to capture a performance and reproduce it repeatedly. Similarly, broadcasting technology allowed performances and recorded materials to reach audiences beyond the location of the original event. These developments increased the commercial value of performances while creating new opportunities for unauthorised exploitation.

The legal question was whether performers, recording producers and broadcasting organisations should receive protection distinct from the copyright of the authors whose works they communicated or recorded.

An important international response was the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, adopted in Rome in

[3] International Covention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (adopted 26 October1961, entered into force 18 May 1964) 496 UNTS 43, art 1.

1961. Commonly known as the Rome Convention, the instrument established international standards for protecting the interests of these three categories of beneficiaries.[3]

Subsequent developments included the Convention for the Protection of Producers of Phonograms against Unauthorised Duplication of Their Phonograms 1971, which addressed the unauthorised duplication of sound recordings. The WIPO Performances and Phonograms Treaty 1996 subsequently developed protections for performers and phonogram producers, including issues associated with the digital environment.[4]

The Beijing Treaty on Audiovisual Performances 2012 further addressed the rights of performers in audiovisual fixations, including performances incorporated into films and videos. It entered into force in 2020.[5]

These developments demonstrate that neighbouring rights have evolved in response to changes in the methods by which creative works are performed, recorded, transmitted and commercially exploited.

In Nigeria, the evolution of copyright legislation culminated in the Copyright Act 2022, which replaced the previous statutory framework and provides the principal domestic legislation governing copyright and related rights. The Nigerian framework must be examined in the light of its own statutory language, relevant international obligations and the practical circumstances of the country's creative industries.

4. DISTINCTION BETWEEN COPYRIGHT AND NEIGHBOURING RIGHTS

Copyright and neighbouring rights are closely related but conceptually distinct. Copyright principally protects original works of authorship that satisfy the relevant statutory conditions. Neighbouring rights protect specified contributions associated with performances, sound recordings and broadcasts.

The distinction is particularly important because several different rights may exist in a single commercial product.

For example, a commercially released song may involve copyright in the musical composition, copyright in the lyrics, performers' rights associated with the singer's performance and rights in the sound recording held by the relevant producer or recording

[4] Rome Convention (n 2)

[5] Convention for the Protection of Producers of Phonograms against Unauthorised Duplication of their Phonograms (adopted 29 October 1971, entered into force 18 April 1973); WIPO Performances and phonograms Treaty (adopted 20 December1996, entered into force 20 May 2002)

company. A broadcast of that song may also engage rights associated with the broadcasting organisation, depending on the use and applicable law.

The following table illustrates the principal differences.

Basis of comparison	**Copyright**	**Neighbouring rights**
Principal beneficiaries	Authors and other qualifying copyright owners	Performers, producers of sound recordings and, where protected by law, broadcasting organisations
Protected subject matter	Original literary, musical, artistic and other qualifying works	Specified performances, sound recordings and broadcasts
Basis of protection	Original creative expression satisfying statutory requirements	The particular performance, recording, broadcast or other protected contribution
Principal purpose	To protect authorship and the exploitation of original works	To recognise and protect specified contributions to the performance, fixation and dissemination of works
Examples	A songwriter's musical composition or a writer's novel	A singer's protected performance or a producer's sound recording
Relationship	Protects the underlying work	May coexist with copyright in the underlying work
Enforcement	Remedies depend on the relevant statutory rights and infringement	Remedies depend on the applicable related-rights provisions and the nature of the infringement

The distinction has practical consequences for licensing. Permission to use a musical composition does not necessarily authorise the use of a particular sound recording. Similarly, permission from the owner of a recording does not automatically resolve every question concerning the underlying composition or performance.

A person intending to use recorded music in a film, advertisement, restaurant, airport or online video should therefore identify all the rights implicated by the proposed use. The necessary permissions depend on the purpose of the use, the rights involved, the applicable agreements and any relevant statutory exception.

The legal independence of copyright and neighbouring rights is also reflected in article 1 of the Rome Convention, which provides that protection under that Convention does not prejudice the protection of copyright in literary and artistic works.[6]

[6] Beijing Treaty on Audiovisual Performances (adopted 24 June 2012, entered into force 28 April 2020)

This principle reinforces the argument that neighbouring rights are intended to strengthen the copyright system rather than displace it.

5. THE LEGAL FRAMEWORK GOVERNING NEIGHBOURING RIGHTS IN NIGERIA

5.1 The Copyright Act 2022

The Copyright Act 2022 is the principal legislation governing copyright protection in Nigeria. It provides the statutory framework for identifying protected subject matter, determining the rights of relevant beneficiaries and addressing infringement and enforcement.

The Act should be interpreted as a whole. Provisions dealing with the existence and scope of particular rights must be considered alongside the legislation's definitions, exceptions, limitations, enforcement provisions and remedies.

It is equally important not to assume that every right available to an author automatically applies to a performer, recording producer or broadcaster. The legal position depends on the provision creating the particular right and the facts of the case.

5.2 Performers' Rights

Performers' rights protect specified interests associated with the performance of literary, musical and other qualifying works.

The Act[7] provides that a performer shall have exclusive right to control, in relation to his performance, the following acts: performing, recording, broadcasting live, reproducing in any material form and adaptation of the performance. It describes performance to include a dramatic performance, a musical performance, a reading or recitation of literary act or any other or similar presentation which is so far as it is, a live performance given by one or more individuals.

Performers contribute interpretative skill, labour, training and expressive ability to the presentation of creative material. A musical composition may remain unchanged in its written form, yet a particular singer's interpretation may determine the performance's artistic identity and commercial appeal.

Protection becomes especially important when a live performance is recorded without permission, when an unauthorised recording is reproduced or distributed, or when a performance is exploited in circumstances that fall within the relevant statutory restrictions.

[7] Section 26, Copyright Act, Cap C28, Law of the Federation of Nigeria, 2004

The legal analysis must distinguish between the copyright in the work being performed and the rights associated with the performance itself. A performer does not automatically become the owner of the underlying composition merely by singing it. Conversely, ownership of the composition does not necessarily authorise every subsequent recording or exploitation of the performer's contribution.

The applicable law and any relevant contractual arrangements must therefore be considered together.

5.3 Producers of Sound Recordings

Sound-recording producers contribute technical expertise, organisational resources and, frequently, substantial financial investment to the creation of commercially exploitable recordings.

A producer may coordinate studio facilities, recording engineers, musicians, editing, mastering and distribution. The resulting recording is distinct from the underlying musical composition, even where both are embodied in the same commercial product.

Neighbouring-rights protection is relevant because a recording can be copied and distributed without the producer's authorisation. Unauthorised commercial reproduction may undermine legitimate sales, licensing revenue and the producer's ability to recover the investment made in creating the recording.

However, the identity of the relevant rights holder cannot always be determined from the identity of the person who paid for the recording. Contracts, assignments, statutory provisions and the circumstances of production may affect ownership and the exercise of rights.

5.4 Broadcasting Organisations

Broadcasting organisations make creative and organisational contributions by assembling, producing and transmitting programmes to audiences. Their broadcasts may contain music, films, interviews, news, sporting events and other material.

The unauthorised retransmission or exploitation of protected broadcast material may undermine the broadcaster's investment in programming and transmission.

At the same time, rights in a broadcast should not be confused with ownership of every work contained in the programme. A broadcaster's rights and the copyright or neighbouring rights of contributors may coexist. A complete legal assessment must identify the specific act complained of and the rights applicable to the broadcast and its constituent material.

5.5 Expressions of Folklore and Traditional Cultural Expressions

Nigeria possesses diverse cultural traditions expressed through music, dance, oral narratives, drama, artistic designs, crafts and other forms of traditional cultural expression.

Folklore consist of a group's cultural identity, reflecting its values and beliefs expressed and transmitted either orally or in fixed form through diverse expression of art and craft or other means.

Expressions of folklore[8] raise distinctive legal questions because they may have developed collectively over generations and may not be attributable to a single identifiable individual author. Conventional copyright rules based on individual authorship may therefore be insufficient to address every concern associated with their exploitation.

The Nigerian Copyright Act 2022 includes provisions concerning expressions of folklore. These provisions are significant because they provide a legal basis for addressing certain unauthorised uses of protected traditional cultural expressions.

For example, a traditional dance associated with a Nigerian community may be recorded and commercially distributed by an outside producer. The legal issues may include whether the relevant expression is protected, whether the proposed use falls within the statutory restrictions, whether permission is required and which person or authority is entitled to exercise the relevant rights.

Folklore protection should not, however, be understood as granting unrestricted ownership over every cultural idea, custom or traditional practice. The applicable statutory requirements and exceptions must be considered carefully.

Effective protection can contribute to cultural preservation, respect for community heritage and the prevention of certain forms of unauthorised commercial exploitation.

6. INTERNATIONAL INSTRUMENTS RELEVANT TO NEIGHBOURING RIGHTS

International instruments have played a significant role in developing common standards for the protection of neighbouring rights.

6.1 Rome Convention 1961

The Rome Convention[9] is a foundational international instrument addressing the protection of performers, producers of phonograms and broadcasting organisations.

It establishes minimum standards concerning specified unauthorised uses of performances, phonograms and broadcasts. Its structure also demonstrates that related-rights protection is distinct from, and does not replace, copyright in the underlying work.

[8] Copyright Act 2022 (Nigeria), Provisions concerning expressions of folklore. The precise scope of protection should be determined from the relevant statutory provision

[9] Rome Convention 9n 2) art 1,7, 10 and 13

6.2 Phonograms Convention 1971

The Convention for the Protection of Producers of Phonograms against Unauthorised Duplication of Their Phonograms addresses the unauthorised duplication of sound recordings. Its importance lies in recognising the vulnerability of sound recordings to copying and the need for legal measures to protect recording producers against specified forms of unauthorised duplication.

6.3 WIPO Performances and Phonograms Treaty 1996

The WIPO Performances and Phonograms Treaty develop protection for performers and phonogram producers, particularly in relation to digital exploitation.[10]

The Treaty addresses economic rights and other interests associated with performances and phonograms. It is important to the contemporary understanding of related rights because digital technology enables recordings to be reproduced and communicated across borders with considerable speed and at relatively low cost.

6.4 Beijing Treaty on Audiovisual Performances 2012

The Beijing Treaty addresses the intellectual property rights of performers in audiovisual performances, including performances incorporated into films and videos[11].

It reflects the importance of protecting audiovisual performers in a market in which films, television programmes and videos are increasingly distributed through digital channels.

6.5 International Standards and Domestic Implementation

International instruments can provide useful standards for assessing national protection. Nevertheless, the precise domestic legal consequences of any particular treaty depend on its applicability to Nigeria and the manner in which the relevant obligations operate within Nigerian law.

It is therefore necessary to distinguish between the existence of an international instrument, Nigeria's status under that instrument and the provisions that can be relied upon in a particular domestic dispute.

For Nigeria, international standards should inform legislative review and institutional policy, while domestic claims must be grounded in the applicable Nigerian legislation and other relevant legal authorities.

[10] WIPO Performances and Phonograms Treaty (n 4), particularly arts 5-10 and 15-19

[11] Beijing Treaty on Audiovisual Performances (n 5), particularly arts 5-12

7. THE RELEVANCE OF NEIGHBOURING RIGHTS TO COPYRIGHT PROTECTION IN NIGERIA

7.1 Recognition of Creative Contributions

The first major contribution of neighbouring rights is that they recognise the interests of persons whose activities contribute to the commercial and cultural value of creative works.

A songwriter, singer and recording producer do not necessarily perform the same legal or economic function. Recognising only the author's copyright may fail to protect other legally recognised interests associated with the finished product.

Neighbouring rights provide a framework for distinguishing these contributions and determining the rights associated with each of them.

This recognition can encourage greater fairness in the creative industries by ensuring that qualifying beneficiaries have a legal basis for controlling specified uses of their contributions or obtaining remuneration where the law provides for it.

7.2 Prevention of Piracy and Unauthorised Exploitation

Piracy remains a significant concern for the protection of creative works. Technological advances have made it easier to record live performances, reproduce sound recordings, upload audiovisual material and distribute copies through online platforms.

Unauthorised exploitation may deprive performers and producers of legitimate income. It may also undermine licensing arrangements and reduce the commercial value of protected recordings.

Neighbouring rights are relevant because they provide a legal basis for challenging certain unauthorised acts involving protected performances and recordings.

However, legislation alone cannot eliminate piracy. Effective protection requires accessible enforcement mechanisms, reliable evidence, cooperation among relevant institutions and sufficient awareness among rights holders and users.

7.3 Economic Development and Investment

Neighbouring rights can contribute to the development of Nigeria's creative economy by helping rights holders control specified forms of commercial exploitation.

Recording companies and independent producers may be more willing to invest in music and audiovisual production when the legal framework provides meaningful protection against unauthorised copying.

Similarly, performers may be encouraged to develop their careers when they can identify their rights, negotiate appropriate contracts and pursue remedies where their protected interests are infringed.

The economic value of neighbouring rights extends beyond the immediate parties to a recording. Creative industries support employment in performance, production, sound engineering, event management, broadcasting, distribution and related services.

Nevertheless, legal protection does not automatically produce economic growth. Its practical benefits depend on fair contracts, functioning licensing systems, accurate usage information and the effective distribution of royalties.[12]

7.4 Fair Remuneration and Royalty Administration

A central objective of neighbouring rights is to provide an appropriate basis for the economic exploitation of protected contributions.

Depending on the relevant right and applicable legal framework, commercial uses may generate licence fees or other remuneration for eligible rights holders.

Collective management arrangements may assist where individual licensing would be difficult or inefficient. For example, a rights-management organisation may administer permissions or collect royalties for certain uses on behalf of rights holders within its authorised scope.

However, the effectiveness of such arrangements depends on transparency, accurate identification of rights holders, reliable usage data, proper accounting and fair distribution.

Weak record-keeping or inadequate reporting may result in disputes over ownership, unpaid royalties or difficulties in identifying the persons entitled to payment.

Consequently, strengthening royalty administration is an important part of making neighbouring rights meaningful in practice.

7.5 Protection of Cultural Heritage

Neighbouring-rights protection and the legal protection of expressions of folklore are relevant to the preservation of Nigeria's cultural heritage.

Traditional music, dances, oral performances and other cultural expressions form part of the country's social and historical identity. Their commercial exploitation without appropriate recognition or compliance with applicable law may raise questions of cultural respect and economic fairness.

Legal protection can provide a framework for addressing specified forms of unauthorised exploitation. It can also encourage communities, cultural institutions and relevant authorities to document and preserve traditional expressions.

[12] Musical Copyright Society Nigeria (MCSN), Annual Report (2022)

Nevertheless, effective protection requires sensitivity to customary practices, community interests and the distinction between protectable cultural expressions and ideas or practices that fall outside the applicable statutory provisions.

7.6 Support for Digital Creativity

Digital technology has expanded the opportunities for performers, producers and broadcasters to reach wider audiences.

Music streaming, video-sharing services, social media and online broadcasting allow creative material to circulate across national boundaries. These opportunities also create challenges involving unauthorised uploading, copying, retransmission and commercial use.

Neighbouring rights are relevant because they help identify the legal interests implicated in digital exploitation. They may provide a basis for challenging conduct that infringes protected performances or recordings.

However, effective digital protection requires appropriate legal interpretation, technological capability, cooperation with platforms and reliable mechanisms for identifying and reporting infringement.

The objective should be to protect legitimate rights without unnecessarily restricting lawful access, education, criticism, research or other uses permitted by law.

8. CHALLENGES AFFECTING THE PROTECTION OF NEIGHBOURING RIGHTS IN NIGERIA

Despite their importance, neighbouring rights face several practical and institutional challenges.

8.1 Inadequate Public Awareness

Some performers, producers and other stakeholders may not fully understand the distinction between copyright in an underlying work and rights associated with a performance or sound recording.

This may result in inadequate contractual protection, failure to obtain necessary permissions or reluctance to pursue available remedies.

Public education is therefore essential. Rights holders need accessible information about ownership, licensing, evidence of infringement and available enforcement procedures.

8.2 Digital Piracy and Technological Difficulties

Digital platforms enable content to be copied and disseminated rapidly. Infringing material may be uploaded from one jurisdiction and accessed in another, complicating investigation and enforcement.

Effective responses require technological tools, trained personnel, cooperation among relevant stakeholders and procedures capable of addressing online infringement while respecting lawful uses.[13]

8.3 Weak Royalty Administration

Rights holders may experience difficulties in determining where their performances or recordings have been used and whether appropriate royalties have been collected.

Problems may arise from inaccurate metadata, incomplete usage reports, unclear ownership records or inadequate accounting systems.

Transparent royalty administration is necessary to ensure that the economic benefits of protection reach the appropriate beneficiaries.

8.4 Institutional Constraints

Effective enforcement depends on the capacity of the Nigerian Copyright Commission and other relevant institutions to perform their statutory functions.

Where staffing, funding, technology or coordination is inadequate, enforcement may become less effective.

Strengthening institutional capacity should therefore form part of any comprehensive strategy for improving neighbouring-rights protection.

8.5 Contractual and Ownership Disputes

Disputes may arise between performers, producers, record labels, broadcasters and other participants over ownership, licensing authority or the distribution of revenue.

Such disputes can be reduced through clear written agreements that identify the rights being transferred or licensed, the duration and territorial scope of permission, the permitted forms of exploitation and the applicable remuneration arrangements.

8.6 Limited Judicial Guidance

The available Nigerian literature identifies a need for more focused analysis of neighbouring-rights disputes and their practical enforcement.

Where reported decisions dealing specifically with a particular related right are limited, uncertainty may arise concerning the application of statutory provisions to emerging forms of exploitation.

Careful judicial interpretation, accessible legal guidance and continued scholarly research can assist in clarifying the scope of protection.

[13] Nigerian Copyright Commission (n 20)

8.7 Difficulties Associated with Traditional Cultural Expressions

Traditional cultural expressions may be collectively maintained, transmitted orally or developed over long periods.

Determining the appropriate rights holder or authority to grant permission may therefore be more complex than in cases involving a clearly identified individual author.

Legal protection should be accompanied by clear procedures for identifying relevant interests and addressing the needs of communities whose cultural expressions are subject to commercial exploitation.

9. Key Findings

The study found that:

1. Neighbouring rights are essential to modern copyright protection.
2. Nigerian legislation has made considerable progress.
3. Digital technologies create new enforcement challenges.
4. Performers remain vulnerable to exploitation.
5. Folklore protection remains critical for cultural sustainability.
6. Existing institutional frameworks require strengthening.
7. Royalty administration mechanisms require reform.

10. RECOMMENDATIONS

The following measures are recommended to strengthen the protection of neighbouring rights in Nigeria.

10.1 Public Enlightenment

The Nigerian Copyright Commission and relevant industry stakeholders should intensify public education concerning copyright and neighbouring rights.

Training programmes should explain the differences between authors' rights, performers' rights and rights associated with sound recordings and broadcasts.

Information should be made accessible to independent musicians, actors, producers, broadcasters, cultural organisations and businesses that use recorded music or audiovisual material.

10.2 Strengthening Institutional Capacity

Relevant enforcement institutions should receive appropriate funding, technical resources and specialised training.

Capacity-building should include digital evidence collection, investigation of online infringement, rights identification and cooperation with relevant domestic and international organisations.

10.3 Improving Royalty Transparency

Collective management organisations and other authorised rights administrators should maintain reliable records of rights holders, licences, usage reports and royalty distributions.

Appropriate accountability mechanisms should be used to promote transparency and reduce disputes over the collection and distribution of revenue.

10.4 Clearer Contractual Arrangements

Performers, producers and other industry participants should be encouraged to use clear written contracts.

Contracts should identify the rights being licensed or transferred, the permitted uses, the duration and territory of the agreement, payment arrangements, reporting obligations and the treatment of future forms of digital exploitation.

Legal advice should be sought where ownership or licensing authority is uncertain.

10.5 Continued Legislative Review

The relevant authorities should periodically assess the operation of the Copyright Act 2022 and its implementation.

Any proposed amendment should be based on identified legal or practical deficiencies and should clarify rights where necessary, improve enforcement and maintain an appropriate balance between protection and lawful access.

Legislative reform should not be treated as a substitute for effective implementation of existing provisions.

10.6 Improved Digital Rights Management

Rights holders and relevant industry participants should adopt appropriate technological and administrative measures for identifying protected recordings, documenting ownership and monitoring authorised uses.

Such measures may include accurate metadata, reliable licensing records, digital monitoring tools and procedures for reporting infringement.

Technological measures should be used consistently with applicable law and should not be treated as a substitute for establishing the existence and ownership of the relevant rights.

10.7 Greater Attention to Cultural Heritage

The protection of expressions of folklore should be supported by consultation with relevant communities, cultural institutions and public authorities.

Appropriate documentation, preservation initiatives and clear permission procedures can assist in preventing certain forms of unauthorised commercial exploitation while respecting the cultural significance of traditional expressions.

10.8 Continued Legal Research and Judicial Training

Further legal research should examine the practical operation of performers' rights, recording rights, broadcasting interests and the protection of traditional cultural expressions.

Judicial and professional training may also assist in developing a clearer understanding of the relationship between copyright and neighbouring rights.

Where disputes arise, courts should determine them by applying the relevant statutory provisions, contractual terms and established legal principles to the evidence presented.

11. CONCLUSION

Neighbouring rights are an important component of the intellectual property framework in Nigeria. They recognise and protect specified interests associated with performances, sound recordings and broadcasts, thereby complementing the protection available to authors under copyright law.

Their significance is particularly evident in an economy in which music, films, broadcasting and online content contribute to employment, investment and cultural expression. By providing a legal basis for controlling certain unauthorised uses and obtaining remuneration where applicable, neighbouring rights can support fairness, encourage investment and promote the sustainable development of creative industries.

Nevertheless, the existence of statutory protection does not guarantee effective enforcement. Digital piracy, limited public awareness, weaknesses in royalty administration, institutional constraints and uncertainty over ownership may reduce the practical benefits of protection.

Nigeria should therefore pursue a comprehensive approach that combines effective implementation of the Copyright Act 2022 with public education, transparent rights management, appropriate technological measures and continued legal review.

Ultimately, neighbouring rights should be understood as complementary to copyright. Their effective operation can strengthen the protection of creative works by recognising the distinct contributions of performers, recording producers and broadcasting organisations, while maintaining the necessary balance between the interests of rights holders and the public.

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