



## Contemporary principles of ownership in property laws in the realm of Nigeria copyright legislation 2022

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### Abstract

The interplay between property law and copyright is not in doubt. The margin is not so wide that a connection cannot be established. More so, in recent times more than ever, there arises a need to establish on many levels the manifestation of ownership principles in property law in the light of eligible subject matters in copyright. This article is aimed at examining the ownership principles in property law while closely examining copyright as a property and the connection property law has with copyright laws. This endeavour focuses on the different kinds of properties and the sources of laws applicable to property laws in Nigeria while shedding light on the eligible subject matters in copyright ranging from literary works, artistic works, musical works, etc. This article will help broaden the readers' knowledge of the ownership principles in property law and copyright law. Understanding this interplay will aid clarity on the two subjects and help identify the challenges and loopholes found in our laws as regards ownership in copyright.

**Keywords:** Copyright, ownership, property law, ownership principles, property

### Introduction

From time immemorial man has always had the instinct to own property and this has led to conflict where two or more people claim ownership over such a property. However, this interest has evolved from just physical properties to also intellectual properties and to protect this, the concept of copyright was developed. It has been established that some of the main functions of law include the protection of interests and rights, resolving disputes and maintenance of law and order, of course, the functions and importance of laws are not limited to the ones listed but they are essential when it comes to reducing the conflicts caused by interests in properties, be it physical property or intellectual property. In Nigeria, the Constitution as the grundnorm has provided for the protection of ownership of properties <sup>[1]</sup>. Hence, in line with this provision, the goal of property law has been designed to regulate the relation of persons to property thereby giving a protected basis for the acquisition, enjoyment, and disposal of property.

It should be noted that there is a different kind of properties and not all kinds of properties can confer copyright. For copyright to exist it must be proven that a person is the first and original owner of such intellectual property. Therefore, copyright can be said to be a type of intellectual property that protects original works of authorship as soon as an author fixes the work in a tangible form of expression <sup>[2]</sup>. Examples of properties which can confer copyright on the original owner of such works include paintings, illustrations, computer programs, books, poems, blog posts, movies, musical compositions, photographs, architectural works, sound recordings, etc.

It should be noted that while landed properties don't confer copyrights other forms of properties may <sup>[3]</sup>. One interesting thing to know about properties vis a vis copyright is their ability to be passed on to another. The new Copyright

Statute <sup>[4]</sup> in section 30 provides for the assignment and licensing of intellectual properties while the Conveyancing Act of 1881 focuses on the transfer of land ownership. This will be further explained in the article.

### Different Types of Properties

**Moveable and Immovable Property:** this can easily be classified into properties that can be moved/transferred from one place to the other and those properties which cannot. As highlighted in the introduction this was expressly provided for in the Nigerian constitution. Moveable properties include timbers, crops, fruits etc. while on the other hand, immovable properties include buildings, lands, right to way and other benefits which are attached to the earth (apart from crops or/and grass) or anything permanently fastened to earth (for example, statues).

**Personal and Real Property:** personal property is anything of tangible or intangible nature that belongs to an individual. The distinctive feature of personal property is the portability of the things owned by an individual, like paintings, books, poems, music etc. All these kinds of properties give the original owner a copyright while on the contrary, real properties include land, the things attached to the land, and any improvement or development done on the land (this includes immovable properties such as buildings, canals, and trees etc).

**Corporeal and Incorporeal Property:** corporeal properties include the right to ownership of material things, all tangible and visible things which can be touched, which fall under this category can be further categorised into moveable/immovable property and personal/real property while on the other hand, the incorporeal property is also divided into things that cannot be touched or seen, for example; copyright, patent, mortgage, lease etc <sup>[5]</sup>.

## Sources of Law Applicable To Property Ownership and Copyright in Nigeria

In addition to the constitutional provision,<sup>[6]</sup> there are also several laws in Nigeria to protect properties be they moveable, immovable, or intellectual property. The sources of these various laws can be traced to the various origin of laws in Nigeria.

**Customary Law:** This applies to the ownership and transfer of properties under the native law and customs of the different indigenous groups in Nigeria. The major cases under this are mostly immovable properties (land matters) and intellectual property is novel and strange to customary law despite the natives' rich culture in folklore and many other indigenous intellectual properties. However, under customary laws, the transfer of property is deemed to be complete and valid where the purchaser is in possession, there is evidence of payment of the purchase price and there are witnesses to the transaction<sup>[7]</sup>. It is important to state that customary law concerning property transactions does not recognize documentary evidence of transfer such as deeds, it is more of an oral based transaction<sup>[8]</sup>.

**Judicial Precedence /Case Law:** The Nigerian courts are flooded with so many landed property cases, but this does not mean that we don't also have cases of intellectual property. One of the key milestone cases in property law that have paved the way for other court decisions is *Idundun v Okumagba*,<sup>[9]</sup> where the Court laid down how to prove a title to landed property in Nigeria. And in copyright law, we have the case of *Digital Communication Network (Nig) Ltd v NCC*<sup>[10]</sup>, where the Court of Appeal stated that an owner of a copyright that has been infringed has three options, namely: to institute civil proceedings and claim damages and injunctive relief, etc under Sections 37-38 of the (Copyright) Act; to institute criminal proceedings under Section 44 of the (Copyright) Act and lastly, in the alternative, the violator of a copyright may be proceeded against simultaneously in a civil and criminal proceeding.

**Received English Law:** This includes the English Common Law, Doctrines of Equity and Statutes of General Application. These principles of the received English law apply to regulate property practice in Nigeria, specifically in respect of disputes that are tried before the High Courts and other superior courts of record<sup>[11]</sup>, especially where there is a lack of similar local law that can apply to the case at hand. Examples of received English laws are the Conveyancing Act of 1881, the Wills Act of 1837, and the Statute of Fraud Act of 1677. The one that applies to property law and practice is the Conveyancing Act which is the law that governs the transfer of properties.

**Nigeria Legislations:** The Nigerian laws that govern property transactions in Nigeria include the following:

- a. The Constitution of the Federal Republic of Nigeria 1999 (as amended), which guarantees the right of every Nigerian to own and acquire real estate in any part of the country<sup>[12]</sup>,
- b. The Land Use Act 1978<sup>[13]</sup> which was enacted to standardize land tenure and administration in Nigeria etc.

## Principles of Ownership in Property Law

Ownership simply refers to the possession and control over a property. In the case of *Ramsigh v Central Bureau of Narcotics*<sup>[14]</sup>, it has been held by the Supreme Court that, controls over goods is one of the tests to ascertain conscious possession so also the title. Ownership also comes with multiple rights which may be associated with it. It is also the fullest right possible that a person can own over any kind of property. Ownership can also be described as an abstract legal relationship, which implies that a legal relationship exists between the owner and an object in terms of which the owner acquires certain entitlements. However, it should be noted that the owner can be limited by statutory measures, limited real rights, creditor's rights of third parties and the interest of the community<sup>[15]</sup>.

In addition to the foregoing, it should be taken into consideration that the ownership of a property may also give rise to what is known as co-ownership, and this is where more than one person owns a property simultaneously in undivided co-ownership shares. Co-ownership is important as the co-owners cannot individually take decisions that affect the owned property without the consent of all other owners<sup>[16]</sup>. It is important to note that apart from sole ownership and co-ownership, land ownership may arise from the tenancy, joint tenancy and even tenancy in common. Joint tenancy arises where when the title deed of a property is laid on the principle of unity and gives each joint owner an equal portion of the property, while tenancy in common is a type of joint ownership in which two or more people share ownership of property among them but do not have equal rights<sup>[17]</sup>.

The major elements of ownership are *possendi* (power to possess a thing), *Utendi* (capacity to utilize) and *dispondendi* (power of disposition). Possession which is an element of ownership also has two essential elements which are physical and mental. The physical element is the first essential element of possession, it is an indicator of real possession of a thing, it may also be said to be a physical contact that others may not interfere with. The mental element on the other hand is the second essential element of possession. It is an intention to appropriate oneself the executive use and enjoyment of the things possessed. It is the conscious intention of the possessor to exclude others from interfering with the right of possession. In other words, it may be said that apart from the physical power to deal with the thing the possessor must also have the will to exercise such control<sup>[18]</sup>.

Ownership contains the right of the owner to exclude others. It also provides the power to alienate a property *intervivos* or the charge of security. This power is however limited by various laws. An owner can destroy property or can exercise the power of ejection as he pleases. Such power is subject to the law of nuisance, state control and agreement between the owner and others. Also, ownership can be divided into absolute and restricted.

Certain right comes with owning property, including copyright, even though it does not apply to all forms of property. Ownership in property consists of the right to possess, right to use, right to alienate and right to exclude others. All these rights can however be transferred to another party when a sale is complete, and the property gets transferred from the seller to the buyer on completion of the sale. All these rights cannot be infringed upon by others without violating the law. Violating or infringing upon one's

property rights gives the owner the legal right to take legal action against such a person.

Ownership in copyright is the original owner of the thought or expressions. Typically, the first owner of a copyright is the person who created the work, i.e., the creator, the author<sup>[19]</sup>. But when more than one person creates the work, then a case of joint authorship can be made provided some criteria are met. Also, the holder of the copyright may be the employer of the creator rather than the creator himself, if the work is a "work for hire"<sup>[20]</sup>. For example, in English law, the Copyright, Designs and Patents Act 1988 provides that, if a copyrighted work is made by an employee in the course of that employment, the copyright is automatically owned by the employer which would be a "Work for Hire".

### Eligible Subject Matters in Copyright

As stated in the introduction, copyright is a type of intellectual property that protects original works of authorship as soon as an author fixes the work in a tangible form of expression<sup>[21]</sup>. However, it should be noted that all subject matters protected by copyright are called protected works. The protective legislation<sup>[22]</sup> that shields authors and creators of works in Nigeria gave a list of works eligible for copyright to include literary works, musical works, artistic works, cinematograph films, sound recordings and broadcasts.

Hence, copyright guarantees the author exclusive rights over the content when they produce works of fiction, art, or music of any kind for a set amount of time. Copyright grants unrestricted use and distribution rights. Any expressions of ideas in any of the forms listed above are protected by Nigerian copyright laws. All these ideas can be seen as properties and only this form of property can enjoy the privilege of copyrights. Copyright makes it possible for the creator of any intellectual property to have the power to control his creation's usage, dissemination, and commercialisation for a set period of time. Copyright provides an absolute right to use, reproduce, distribute and translate the same into different languages.

In Nigeria, the exclusive rights of creation, protection and enforcement of copyrights are governed by the Nigerian Copyright Commission, and it is governed by the Copyright Act. The ownership of copyright is vested in the creator of a copyrighted work, usually referred to as the "author or creator" of the work.

By virtue of Section 2 (5)<sup>[24]</sup>, Copyright shall be conferred on every work eligible for the copyright of which the author or, in the case of a work of joint authorship, any of the authors is at the time when the work is made, a qualified person, that is to say, an individual who is a citizen of, or is domiciled in Nigeria; or a body corporate incorporated by or under the laws of Nigeria. This applies to both published and unpublished works.

The law<sup>[23]</sup> provides that the owner of a copyright have the rights to claim authorship of his work and to object and seek relief in connection with any distortion, mutilation or any other modification of his work.

It should be noted that the law also recognises an "author" to include a person's heir and successors in title. Where work with subsisting copyright is published, printed, produced, or manufactured, there should be kept a register showing the name of the author, the title, the year of production and the quantity of work produced.

Any individual who makes use of or induces the use of a work protected by copyright without the owner's consent or permission is infringing on that person's copyright. A copyright holder who has had their rights violated is entitled to damages or injunction<sup>[25]</sup>.

The copyright law in Nigeria as provided for by the Act has several categories and the duration of rights. The First Schedule of the Copyright Act<sup>[26]</sup> provides that:

1. In the case of literary, musical or artistic works (photographs are not included), copyright will be given for a period of 70 years after the end of the year in which the author dies. Where the work is created by a body corporate then the copyright will last for 50 years after the end of the year in which the work was first published or made available to the public<sup>[27]</sup>.
2. In the case of cinematography, films and photographs, the copyright will last for a period of 50 years after the end of the year in which the work was first published.
3. In the case of sound recordings, the copyright is given for a period of 50 years after the end of the year in which the recording was first made available to the public.
4. Where it is broadcast, the copyright will last 50 years after the end of the year in which the broadcast first took place.

It should be noted that consent of the author/creator of the particular work is very essential in determining the existence and duration of copyright as enunciated in sections 18 and 19 of the Act<sup>[28]</sup>.

### Ownership in Copyright

Copyright is owned by the original/first creator of a work or idea. However, ownership of copyright works may depend on the circumstances under which the work was created. A variety of factors, such as the sort of work produced or how it was produced may affect copyright ownership. For instance, a work created by an employee as part of their employment still confers ownership on the employer. This might make it difficult to identify who has a copyright to a piece of work.

Also, a copyright can be owned by multiple people who would have equal rights in the work unless there is a written agreement which states otherwise. However, certain sorts of works with many layers of copyright may have multiple copyright owners. For example, in films, copyright in the soundtrack, screenplay and the film itself may be controlled independently. Peradventure if the creator or copyright owner dies, the copyright can pass to the estate or a nominee<sup>[29]</sup>.

Where the copyright owner or creator cannot be identified, the work becomes an orphaned work. Orphaned works can still be used as permitted under copyright laws and by the NCC.

Essentially, copyright is a movable property and as such transferable by assignment. So, copyright ownership may be governed by a contract, such as one for research, funding, or publication or it may be transferred or assigned to a third party by operation of law<sup>[30]</sup>.

It is important to note that ownership of the copyright differs from ownership of the physical work. A person does not automatically hold the copyright to a property just because he owns the physical possession of it. Although an author or other creative may sell to another creation, they

will still hold the copyright. The person who holds the property still won't hold the copyright unless the author/creator has agreed to transfer it and the author will still be able to copy, publish, or distribute the work (and can also give other people such rights). However, if a person does not hold the copyright to the work, he cannot use it without the author's or creator's consent <sup>[31]</sup>.

Furthermore, in situations where two or more people have created a single work protected by copyright and the contribution of each creator/author is not distinct from that of the other(s), those people may be considered joint owners. There are slightly different rules for what is referred to as "co-written or co-created works". Joint ownership might arise if a person was commissioned to create a website for a company both the person being commissioned, and the company would likely be joint first owners of the copyright on the website. If someone wanted to copy or use a work of joint ownership in some way, all the owners would have to agree to such a request, otherwise, an infringement of copyright could still occur <sup>[32]</sup>.

On the other hand, where individual contributions are distinct or separate, each person would be the author of the part they created (for instance where the music and lyrics of a song are created by two different people). In these circumstances, if you wished to use just the lyrics you would only need the permission of the copyright owner of the lyrics and not necessarily that of the owner of the song.

### The Connection of Ownership Principles In Property Law And Copyright Works

As stated earlier, Copyright ownership in a work initially vests in the creator of the work and if the work is a joint work the creators are co-owners of the copyright in the work. Copyright ownership entitles the copyright owner to exercise certain exclusive rights granted under Nigerian Copyright Laws. Hence, in looking at the connections between ownership principles in property law and copyright work we shall embark on the subsequent discourse.

**Right to possession:** Possession can be said to be the most fundamental right when it comes to ownership principles, and this is due to the fact that possession necessarily flows from the right to own property. In fact, it can be said that without possession the other rights accrued to ownership (such as the right to enjoy, use, abuse, consume, alienate, encumber, transform, or destroy) cannot be exercised to the fullest extent.

Possession is also the physical control over the property or the process of exclusive use of that property. Possession can be acquired through a lease, rental agreement, by force or secrecy or through any activity or endeavor under the real estate investment trusts. The right to possession is the right of a person who currently holds property in hand or under their control to retain such possession, or alternatively for another person who claims superior title or right to possession of the property. This is explicit of the legal dictum in law that *possession is 9/10<sup>th</sup> (nine-tenth) of the law*, meaning that a person in possession is presumed to have a right to such possession unless another person claiming possession proves they have a superior right to it.

It can be said also that *possession is 7/10<sup>th</sup> (seven-tenth) of ownership*, and this is simply because a person who is in possession of a property legally has certain rights as the owner. However, there are certain differences between possession and ownership. One of these differences is the

fact that absolute authority over the property resides with the actual owner while possession only covers the physical control regarding the property. Another major difference is the fact that ownership conveys/confers rights to its owners while possession on the other hand has limited rights.

It is important to note however that copyright as a right over ownership of an intellectual property conveys the same right of possession. It is possible, however, for an individual to be in possession of a work and not own its copyright. With respect to intellectual properties, it is the law that intellectual works such as literary, musical, artistic works and the like are only eligible for copyright if *some effort has been expended* on making the work to give it an original character; and the work has been fixed in any definite medium of expression now known or later to be developed, from which it can be perceived, reproduced or otherwise communicated either directly or with the aid of any machine or device <sup>[33]</sup>. Hence, copyright only resides in the original creator of an expression or idea.

Furthermore, nothing in the copyright act makes it illegal or even actionable to simply possess a physical copy of a person's intellectual work, owning this does not constitute a copyright infringement. Copyright infringement is however limited to people who possess it for the purpose of commercial advantage or private financial gain or create infringing copies.

**Right to use:** one of the vital principles of ownership when it comes to properties is the right to use. The right to use affords the owner the ability to make use of the properties as he/she wishes. This is an easy and general rule when it comes to properties like land and other tangible items but in intellectual property on the other hand the right to use is solely in the hands of the person with the copyright.

Copyright law grants several exclusive rights to control the use and distribution of your copyrighted work. The rights include the exclusive power to: reproduce (make copies of) the work, create derivative works based on the work (alter, remix, or build upon the work), distribute copies of the work, publicly display the work, perform the work, and in the case of sound recordings, to perform the work publicly by means of digital audio transmission <sup>[34]</sup>. Reproducing or making use of intellectual work especially for commercial propose despite it being in your possession is extremely wrong and reprehensible by law. One of the privileges copyrights afford is the right to control how their works are being used.

Generally, permission must be granted before using works protected by copyright. Copyright protection lasts for a specific period. Once that period has ended the work can be used without the need for permission or payment <sup>[35]</sup>. The First Schedule of the Copyright Act specifically provides for this. For literary, music and artistic work a period of seventy years is given, for cinematography films, photographs, and sound recordings it is fifty years.

**Right to alienate:** this is the right of the owner to voluntarily dispose of his property; this can either be by selling or gifting. The right to alienation is popular among property owners.

In copyright, this right can be likened to assignment and license. This occurs when the owner of property transfers his rights. Copyright is transmissible by testamentary disposition <sup>[36]</sup>.

The owner of the copyright of a work has the right to assign his copyright to any other person. The effect of the assignment is that the assignee becomes entitled to all the rights related to the copyright of the assigned work. However, a mere grant of the right to publish and sell the copyrighted work amounts to a publishing right and not an assignment of copyright<sup>[37]</sup>.

In the case of *Video Master v Nishi Production*<sup>[38]</sup>, the Bombay High Court considered the issue of whether the assignment of video rights would include the right to satellite broadcast as well. The Court agreed with the contentions of the defendant that there were different modes of communication to the public such as terrestrial television broadcasting, satellite broadcasting and video TV. The owner of the film had separate copyright in all those modes, and he could assign them to different persons. Thus, the satellite broadcast copyright of the film was a separate right of the owner of the film and the video copyright assigned to the plaintiff would not include this.

It is worthy of note that the assignment of copyright is valid only if it is in writing and signed by the assignor or his duly authorized agent. The assignment of a copyright in a work should identify the work and specify the kind of rights assigned and the duration and territorial extent of such assignment. Further, it should specify the amount of royalty payable, if any, to the author or his legal heirs during the continuance of the assignment and the assignment will be subject to revision, extension or termination on terms mutually agreed upon by the parties<sup>[39]</sup>.

**Right to derive income:** The ability to profit financially from the commercial exploitation of intellectual works is provided by economic rights. This is done mostly by selling the rights to the work or granting permission for others to use it. This can be done through reproduction, distribution, rental and lending, public performance and so on.

Copyright plays a fundamental role in the economics of a country and this is due to the fact that copyright owner has the means to derive income from their work. An active copyright sector can help to generate investment opportunities which will result in a higher employment rate and increased levels of income and further lead to poverty alleviation. The overall policy goal must be to retain existing copyright sector employment, improve the job security and income of those already in the sector, and address barriers to entry and growth to create room for new entrants and employment expansion<sup>[40]</sup>.

The means through which an individual may derive income from his work is by owning the exclusive right to do certain 'restricted acts' in respect of his work. For example, the individual can allow or prohibit the copying of his work and this includes photocopying, reproducing by handwriting, typing or scanning into a computer, and taping live or recorded music. Also, this can be done by issuing copies of the work to the public, renting or lending copies to the public, performing, showing or playing the work in public e.g., performing plays and music, playing sound recordings and showing films or videos in public, letting a broadcast be seen or heard in public. Unless any of this fall under copyright exceptions, it is an infringement of copyright to do any of the above acts without the permission of the copyright owner.

### **Legal Remedies and Other Rights Accrued To Copyright Owners Under the Law**

It is crucial to keep in mind that apart from the above right embedded in the ownership principles in property law, copyright affords its owners some certain set of privileges/rights such as reproduction rights, distribution rights, rights to adaptation and performance/display rights. An owner, assignee or exclusive licensee of a copyrighted work may seek reliefs for copyright infringement in Nigeria by way of damages (general, specific or punitive/exemplary), injunction, accounts or such other reliefs that are available with respect to the infringement of other proprietary rights<sup>[41]</sup>. Also, when any of the rights are infringed, the person can be entitled to damages and compensation. Aside monetary damages, injunctions can also be granted.

An injunction is one of the legal remedies available to a person through the courts. If a judge grants a person injunctive relief, the defendant must immediately cease their infringing behaviours. There are two forms of injunctions available as copyright infringement remedies. Preliminary (temporary) and permanent injunctions. These can require defendants to end behaviour or engage in certain behaviour. The major distinguishing factor between the two is when they are issued and their duration. Injunctions are one of the actions of infringement spelt out by Section 37 of the Copyright Act. Subsection 1 states that 'infringement of copyright shall be actionable at the suit of the owner, assignee or an exclusive licensee of the copyright, as the case may be, in the Federal High Court exercising jurisdiction in the place where the infringement occurred; and in any action for such an infringement, all such relief by way of damages, injunction, accounts or otherwise shall be available to the plaintiff as is available in any corresponding proceedings in respect of infringement of other proprietary rights.'

In addition, sub-section 2 states, 'where an action for infringement of copyright brought by the copyright owner or an exclusive licensee relates to an infringement in respect of which they have concurrent rights of action, the copyright owner or the exclusive licensee may not, without the leave of court, proceed with the action unless the other is either joined as a plaintiff or added as a defendant'.

A distinguishing Nigerian judicial decision on the enforcement and remedies of copyright is the case of *Oladipo Yemitan v The Daily Times (Nigeria) Ltd & Anor*<sup>[42]</sup>. In that case, the defendants flagrantly infringed on the claimant's copyright in an article titled 'The Day the Lagoon Caught Fire' published in the Nigerian Magazine by reproducing the same verbatim in the 'Headlines' No 52 of 1977 without consent. Upon writing to notify the defendants of this infringement, the defendants merely replied that they would investigate the allegation and did nothing further despite subsequent correspondence to them. After the trial, the defendants admitted the infringement. The court was of the view that the defendants took advantage of the claimant because few persons in Nigeria were aware of their rights under copyright law and the defendants also believed that the profit to be realized from the infringement would outweigh any nominal damages the claimant may be entitled to. Hence the court granted additional damages to the claimant for such condescending treatment by the defendants.

Furthermore, in the decided case of the *Nigerian Copyright Commission & ORS v Musical Copyright Society of Nigeria LTD & ORS* <sup>[43]</sup>, it was held that an act of infringement constitutes a crime. The pronouncement by the court is no doubt premised on the strength of the provisions of copyright law that makes certain people subject to criminal liability <sup>[44]</sup>. Such persons include:

1. A person that makes an infringing copy of a copyrighted work for business purposes, imports into Nigeria a copy of any work which if it was made in Nigeria would be an infringing copy or makes equipment for an infringing copy of any work is guilty of an offence. The liability on conviction is a fine not exceeding Ten thousand Naira (N10, 000) for each copy of the work or imprisonment for a term of at least five years or both.
2. Any person that possesses, exposes, distributes, or offers for sale an infringing copy of a work which is copyrighted for business purposes and if made in Nigeria would be an infringing copy, is liable on conviction to a fine of Ten thousand Naira (N10,000) for each copy, or to a term of imprisonment at least three years or both.
3. Any person who without the consent from the owner, for commercial purposes distributes copies of a work in which copyright subsists, by way of rental, lease, or hire is guilty of an offence and is liable to a conviction of a fine of One thousand Naira (N1, 000) for each copy dealt with or imprisonment for term of at least three years or both <sup>[45]</sup>.

### Conclusion and Recommendations

By and large, property law in Nigeria is not a novel area of law. Laws have evolved and has been put in place to secure both properties and the owners of those properties. The constitution itself recognises the right to own properties and different institutions have been put in place by the Nigerian government to ensure the protection of these properties no matter the category of property it fall under. There is a general misconception that property law in Nigeria only safeguards and protect landed properties and only tangible properties, but this is far from the truth as intellectual property is not left out, certain laws and institution have been put in place to ensure its protection. It is beyond doubt that contrary to popular opinion, Nigeria as a country has put in place different measures to enhance intellectual property rights through adequate law enforcement mechanisms. Not only are the laws spelt out there are remedies guaranteed. It must be admitted that much still needs to be done to reach the target destination.

However, the truth be told, there can be a certain improvement to the laws as there are several inadequacies in the law and quite several barriers to effective enforcement of copyright, like illiteracy, lack of awareness, and delay in the administration of justice, among others. Though, these barriers are just a mirage that won't stand the test of time if more efforts are deployed considering properties and copyright.

From the foregoing, a few recommendations can be made:

- a. The world is constantly changing and evolving, therefore there is a need for the expansion of the laws regarding properties and copyright. The new Copyright Act does not completely accommodate present realities to adequately combat and curb the incidents of

copyright infringements on digital platforms. There may be need for another alteration to accommodate new trends in the digital world of robotics and artificial intelligence (AI). The inactions of regulatory bodies and private enforcement efforts alike have increased the proliferation of digital piracy.

- b. Also, there should be more specific provisions in the Act for the award of exemplary and aggravated damages for flagrant infringement of copyright by individual or corporate bodies. Also, the Act's provisions should be vigorously enforced, and representatives of the Act's immediate beneficiaries and other professional organisations should be included in this machinery.

Finally, another highly recommended idea is the fact that the federal government, based on international best practices, should establish an administrative tribunal, an arbitration panel, or perhaps a separate court to be tasked with the duty of handling urgent concerns connected to copyright infringement because copyright is a complex subject. An administrative panel would be more appropriate in handling issues concerning copyright, which would also make room for the invitation of experts to adjudicate in particular areas of copyright ensuring expert knowledge <sup>[46]</sup>.

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