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CONTENT DISTRIBUTION IN THE DIGITAL AGE: BALANCING ACCESSIBILITY AND PROTECTION

1. Introduction

The digital revolution has transformed the global film and creative industry by changing the way films and audiovisual content are produced, distributed, and consumed. Streaming platforms, social media applications, and digital marketplaces now allow creators to distribute content instantly to audiences across the world.[2] A filmmaker in Nigeria can now reach international audiences through platforms such as Netflix, YouTube, and Amazon Prime Video without relying solely on traditional cinema distribution channels. This digital accessibility has expanded opportunities for creators, increased audience engagement, and contributed significantly to the growth of industries such as Nollywood. However, while digital distribution has enhanced accessibility, it has also created major concerns relating to piracy, unauthorized streaming, illegal downloads, and online copyright infringement. The major challenge confronting the film and digital content industry today is how to maintain a balance between ensuring public access to creative works and protecting the intellectual property rights of creators and investors. Effective copyright protection remains essential to sustaining creativity, encouraging investment, and preserving the economic value of creative industries in the digital age.

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[2] Soumya Mishra, Dr. Taru Mishra, 'Copyright in the Digital Age: Addressing Issues on Online Piracy and Streaming Services' available at<https://ijsret.com/wp-content/uploads/2025/03/IJSRET_V11_issue2_589.pdf accessed on May 16 2026.

2. The Evolution of Film and Digital Content Distribution

Traditionally, films were distributed primarily through cinemas, television broadcasting, DVDs, and physical sales. Distribution was geographically limited and controlled by major distributors and broadcasters. The emergence of digital technology disrupted this traditional system by introducing streaming platforms, online broadcasting, and social media distribution channels. Today, digital platforms provide immediate and borderless access to content. Streaming services allow users to access films on demand, while social media platforms facilitate instant sharing of audiovisual content to global audiences. This shift has democratized content creation and distribution, enabling independent creators and emerging filmmakers to compete in the international entertainment market.

The Nigerian film industry has particularly benefited from digital distribution. Nollywood productions now enjoy global visibility through online streaming services and digital licensing arrangements. Digital distribution has also created new revenue streams through subscriptions, advertisements, sponsorships, and licensing agreements. Despite these advantages, digital accessibility has also intensified copyright violations. Unauthorised uploads, illegal streaming platforms, peer-to-peer file sharing, and online redistribution continue to threaten the profitability and sustainability of the creative industry.

3. Protection Safeguards in the Digital Age

Protecting film and digital content in the online environment requires a combination of legal,[3]technological, commercial, and institutional safeguards. These safeguards are essential to ensuring that creators retain control over their works while maintaining lawful accessibility to content.

3.1 Legal Protection (Copyright Act Protection)

Under the Act,[4] works eligible for copyright protection include literary works, musical works, artistic works, audiovisual works (including films and sound recordings), and broadcasts.[5] These categories form the foundation of copyright protection and cover a broad range of creative expressions such as scripts, sketches, musical compositions, films, and performances. In the context of digital content protection, audiovisual works,

[3] Copyright Act Protection/ Enforcement Mechanisms Under the Act.
[4] See, *Nigeria Copyright Act*, 2022.
[5] Section 2, *Nigeria Copyright Act*, 2022.

music, films, scripts, and related creative productions are especially significant, as they are routinely created, distributed, and consumed through digital platforms.

Copyright remains the primary legal safeguard protecting these works by granting creators exclusive rights to reproduce, distribute, communicate to the public, broadcast, adapt, and commercially exploit their works.[6] Importantly, in the digital age, these rights extend beyond physical formats to cover electronic transmission, digital storage, online streaming, broadcasting, and internet-based communication to the public, and other forms of digital dissemination. This ensures that creators maintain control over the use, access, and commercial exploitation of their works across online platforms, streaming services, and social media environments.

3.2 Copyright Enforcement Mechanisms under the Act

In addition to these rights, institutional enforcement mechanisms strengthen copyright protection in practice, particularly in addressing digital piracy. The Commission[7] plays a central enforcement role under the Act.[8] In this regard, the Act empowers the NCC to monitor, investigate, and enforce compliance with copyright law, and also provides for criminal enforcement against unauthorised reproduction, distribution, and dealing in infringing copies, including piracy activities in digital contexts.[9]

Furthermore, the Act[10] grants search, seizure, and forfeiture powers, enabling authorised officers to enter premises, confiscate infringing materials, and secure evidence used in piracy operations. In practice, the NCC undertakes enforcement actions such as raids, seizure of infringing materials, and prosecution of offenders, while also collaborating with law enforcement agencies and industry stakeholders to disrupt piracy networks and reduce the circulation of illegal content online. These combined legal and institutional measures help to protect the economic and moral rights of copyright owners and strengthen respect for intellectual property within Nigeria's creative and digital economy.[11]

In *Nigerian Copyright Commission v. Emmanuel Analike*,[12] the Federal High Court sitting in Abuja ordered the remand of Emmanuel Analike, Chief Executive Officer of NetNaija Media Enterprises, at the Kuje Correctional Centre on charges of alleged

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6 Sections 9 – 13 of the *Copyright Act*, 2022.
7 Nigeria Copyright Commission.
8 Section 34.
9 Section 38.
10 Section 44.
11 The Law Suite, 'What role does the Nigerian Copyright Commission play in combating digital piracy'? available at <https://www.instagram.com/p/DXwD7JNAHqY/> accessed on May 17 2026.
12 FHC/ABJ/CR/422/25 (Unreported).

copyright infringement linked to the popular entertainment website NetNaija. Following a multi-count charge filed by the Nigerian Copyright Commission (NCC) alleging possessing, reproducing and distributing copyrighted works without authorisation through the NetNaija platform. The prosecution told the court that the alleged offences involve the online distribution of movies, sound recordings and other audiovisual materials belonging to both Nigerian and foreign creators. According to the commission, the materials were made available for public download through the website without the consent of the copyright owners, thereby violating the provisions of the Copyright Act. This represents NCC's push against online platforms.

In *Femi Adebayo v. Murphy Ben International*,[13] a Lagos High Court awarded ₦25 million in damages to Nollywood filmmaker Femi Adebayo after Murphy Ben International unlawfully streamed his film, *Survival of Jelili*, on YouTube through a channel known as "Aforefo TV." This decision is significant as it represents one of the few Nigerian civil judgments directly addressing online streaming as an act of copyright infringement. The ruling establishes that unauthorised streaming on third-party platforms such as YouTube and other OTT services is actionable under Nigerian law and that substantial damages may be awarded to rights holders. It further affirms the right of copyright owners to independently institute legal action against streaming piracy.

Similarly, *FilmOne Entertainment* took decisive action against copyright infringement following the illegal upload of portions of its comedy film *Owambe Thieves* on TikTok. The film was unlawfully shared by an account operating under the alias "Naijaprey TV," which was also found selling access to a full high-resolution pirated copy of the movie bearing its own watermark for financial gain. Upon discovering the infringement, FilmOne petitioned the relevant government and law enforcement authorities, leading to the arrest of the suspect, identified as Roqeeb Ayobami Musibau. According to FilmOne, the suspect is expected to face the full weight of the law.[14]

3.3 Technological Protection Measures

Technological protection measures play a crucial role in addressing online piracy and the unauthorised distribution of digital content. These measures function as preventive and enforcement tools that restrict access to copyrighted works and regulate how they

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13 FHC/IB/CS/17/2020, (Unreported).

14 Praise Vandeh 'FilmOne Entertainment Addresses Copyright Infringement of 'Owambe Thieves' at <https://nollywire.com/filmone-copyright-infringement-of-owambe-thieves/>accessed on May 29 2026.

are used in digital environments. Such measures include Digital Rights Management (DRM) systems, encryption technologies, password protection mechanisms, watermarking technologies, automated content recognition systems, and artificial intelligence-based monitoring tools.[15] Collectively, these technologies help to control access, prevent unauthorized copying, and detect infringing use of protected works. In practice, streaming platforms and online service providers integrate these technologies to enforce copyright compliance and protect digital content. For example, platforms such as YouTube use content identification systems that automatically detect copyrighted material, enabling rights holders to block, track, or monetize infringing uploads depending on the chosen enforcement option.

3.4 Licensing and Distribution Agreements

Licensing agreements constitute an important contractual safeguard in the protection and regulated use of digital content. Through licensing arrangements,[16] copyright owners grant streaming platforms, broadcasters, aggregators, or digital distributors the legal authority to use, reproduce, communicate, or distribute their works under clearly defined terms and conditions. These agreements typically specify key conditions such as ownership of copyright, scope of permitted use, territorial restrictions, duration of licence, revenue-sharing models, and approved modes of distribution**.** In the digital environment, they are particularly important in regulating streaming rights, online broadcasting, and platform-based distribution of films, music, and other audiovisual content. By clearly defining the rights and obligations of parties, licensing agreements serve a dual function. They ensure that creators receive fair remuneration for the digital exploitation of their works**,** while also providing lawful access channels for users through authorised platforms. They further help reduce infringement risks by ensuring that digital content circulation occurs within a controlled and enforceable legal framework.

3.5 Collective Rights Management Organisation

Collective Management Organisations (CMOs) also serve as important safeguards in the digital content industry. CMOs administer copyright on behalf of creators and rights holders by licensing the use of copyrighted works, collecting royalties, monitoring exploitation, and enforcing rights.[17] In the digital era, where content is distributed across numerous online platforms and jurisdictions, CMOs simplify rights

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15 Harish Bhat, '10 Effective Anti-piracy Measures for Businesses to Secure Content', available at <https://doverunner.com/blogs/best-anti-piracy-measures> accessed on May 17 2026.
16 Section 30, *Nigeria Copyright Act*, 2022.
17 Section 88.

administration and help creators receive compensation for the digital use of their works. Organisations such as Copyright Society of Nigeria (COSON) and Audio-Visual Rights Society (AVRS) contribute significantly to copyright administration and royalty collection within Nigeria's entertainment industry.

4. Some Legal Frameworks Governing Digital Content Protection.

The protection of film and digital content is supported by a combination of international copyright treaties and domestic legislation, which together establish minimum standards for protection and enforcement in both physical and digital environments.

4.1 International Copyright Treaties

4.1.1 The Berne Convention for the Protection of Literary and Artistic Works (1886).[18]

This is the foundational international instrument governing copyright protection. It establishes the principle of automatic protection, meaning that copyright arises without the need for formal registration, and requires member states to grant national treatment to copyright claimants, ensuring that foreign authors receive the same protection as domestic creators.[19]

The Convention applies to literary, artistic, and audiovisual works and remains highly relevant in the digital era, as it extends protection to works distributed through electronic and online platforms across member states.

4.1.1.2 Application in Nigeria

Nigeria is a signatory to the Berne Convention and its principles are incorporated into domestic law through the Act. This means that works created or distributed digitally in Nigeria, as well as foreign works from other member states, are protected under Nigerian law without the need for formal registration. In practice, this framework allows Nigerian courts and enforcement bodies, particularly the Nigerian Copyright Commission (NCC), to enforce copyright protection for both local and foreign digital content, including films, music, and online audiovisual works.

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[18] WIPO 'Berne Convention for the Protection of Literary and Artistic Works' available at <https://www.wipo.int/en/web/treaties/ip/berne/index> accessed on May 17 2026.

[19] Article 5(2), 'Berne Convention for the Protection of Literary and Artistic Works', Paris Act of July 24, 1971, as amended on September 28, 1979 available at<https://www.unido.org/sites/default/files/2014> accessed on May 17 2026.

4.1.2 **The TRIPS Agreement (1994)**

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) was concluded in 1994 under the World Trade Organisation (WTO). It establishes minimum global standards for intellectual property protection and enforcement, including copyright.[20] TRIPS strengthens enforcement by requiring member states to provide effective legal remedies against infringement and by supporting WTO dispute settlement mechanisms.

Nigeria is a member of the WTO and is therefore bound by TRIPS obligations, meaning it is expected to maintain adequate intellectual property protection and enforcement standards in its domestic laws. In Nigeria, compliance is reflected in the *Copyright Act* 2022, which provides civil and criminal remedies against infringement, including in digital contexts as required under the constitution[21].

4.1.3 **The WIPO Copyright Treaty (WCT) (1996)**

The WIPO Copyright Treaty was adopted in 1996 under WIPO to address copyright challenges in the digital environment. It strengthens protection for works disseminated through digital networks, online platforms, and internet communication, and grants authors exclusive rights over the making available of their works to the public online. It also requires protection against the circumvention of technological protection measures (TPMs).[22]

Nigeria is a contracting party to the WCT**,**[23] having signed in 1997 and ratified in 2017, with the treaty entering into force for Nigeria in 2018. This reflects Nigeria's commitment to aligning its copyright regime with international standards on digital rights protection, particularly in relation to online exploitation of creative works under the Copyright Act 2022.

4.1.4 **The WIPO Performances and Phonograms Treaty (WPPT) (1996)**

The WPPT was also adopted in 1996 under WIPO and focuses on the protection of performers and producers of phonograms. It grants rights relating to digital broadcasting, online streaming, and electronic distribution of sound recordings and performances, ensuring remuneration and protection against

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20 Annex 1c, Part 11, Agreement on Trade-Related Aspects of Intellectual Property Rights available at <https://www.wto.org/english/docs_e/legal_e/27-trips.pdf> accessed on May 18 2026.

21 Section 12 of the 1999 Constitution as amended.

22 Article 11, WIPO Copyright Treaty, (WCT) 1996.

23 Official WIPO treaty database available at <WIPO Lex> accessed on May, 17 2026.

unauthorised use in digital spaces.[24] Nigeria is a party to the World Intellectual Property Organisation (WIPO Performances and Phonograms Treaty (WPPT). The Federal Republic of Nigeria deposited its instrument of ratification on October 4, 2017, and the Treaty entered into force in Nigeria on January 4, 2018.[25] Consequently, the provisions of the WPPT are directly relevant to Nigeria's copyright framework and have influenced the protections incorporated into the *Copyright Act* 2022, particularly those relating to performers, musicians, and producers within the digital entertainment industry.

4.1.5 The Beijing Treaty on Audiovisual Performances (2012)

The Beijing Treaty was adopted in 2012 under WIPO to protect audiovisual performers such as actors and actresses. It grants both moral rights (attribution and integrity) and economic rights over the digital exploitation of their performances, especially in films and streamed content.[26] Nigeria is a party to this treaty, having ratified it in 2017, thereby strengthening legal protection for performers in the Nigerian creative industry. This ratification supports improved regulation of digital film distribution and streaming services.[27]

4.1.6 The Digital Millennium Copyright Act (DMCA) (1998)

The *Digital Millennium Copyright Act* was enacted in the United States in 1998 and is one of the most influential modern copyright laws governing digital content being one of the first instruments to implement the provisions of the WIPO Internet treaties. It introduced the notice-and-takedown system, allowing copyright owners to request removal of infringing online content, and provides safe harbour protections for platforms that comply promptly. It also prohibits the

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[24] Article 10 and 14, 'WIPO Performances and Phonograms Treaty (WPPT) (1996) with the agreed statements of the Diplomatic Conference that adopted the Treaty and the provisions of the Berne Convention (1971) and of the Rome Convention (1961) referred to in the Treaty', available at <https://www.wipo.int/edocs/pubdocs/en/wipo_pub_227.pdf> accessed on May 17 2026.

[25] WPPT Notification No. 90, 'WIPO Performances and Phonograms Treaty-Ratification by the Federal Republic of Nigeria,' available at <https://www.wipo.int/wipolex/en/treaties/notifications> accessed on May 17, 2026.

[26] See Article 6-9, Beijing Treaty on Audiovisual Performances (2012) with the agreed statements of the Diplomatic Conference that adopted the Treaty, available at <https://www.wipo.int/edocs/pubdocs/en/wipo_pub_228.pdf> accessed on May, 19 2026.

[27] Beijing Treaty on Audiovisual Performances (2012)-Contracting Parties/Signatories available at <https://www.wipo.int/wipolex/en/treaties/ShowResults?search_what=C&treaty_id=841> accessed on May 17 2026.

circumvention of technological protection measures such as encryption and digital locks.[28]

Nigeria is not a party to the DMCA, as it is a domestic U.S. statute. However, it has global influence, as many international platforms operating in Nigeria (such as YouTube and Meta platforms) apply DMCA-based takedown procedures, indirectly affecting how copyright enforcement is handled in Nigeria's digital environment.

4.1.7 **European Union: Digital Services Act (DSA), 2022**

The *Digital Services Act* is the EU's most recent effort to regulate the digital space, including combating online piracy. Key provisions include:

a. Platform Accountability: Large platforms are required to implement measures against illegal content, including pirated material, and provide transparent content moderation policies.

b. Trusted Flaggers and Notice Systems: The DSA introduces a structured mechanism for identifying and removing illegal content through trusted entities, including copyright holders.

c. Transparency Requirements: Platforms must publish data on takedown requests, algorithmic moderation, and risk management.

Unlike the older e-Commerce Directive, the DSA reflects a proactive and systemic approach to online harms, acknowledging that platform algorithms and design choices contribute to the spread of illegal content (European Commission, 2022).[29]

Additionally, Article 15 of the DSM Copyright Directive [30] establishes neighbouring rights for press publishers in relation to the online use of their publications by information society service providers (ISPs/platforms). It recognizes the rights of press publishers to obtain a share of revenues generated from the digital use and distribution of their content by online service

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28 See Sections 512, 106 and 1201**,** **'**The Digital Millennium Copyright Act of 1998 U.S. Copyright Office Summary' available at <https://www.copyright.gov/legislation/dmca.pdf> accessed on May 16 2026.

29 Soumya Mishra and Dr Taru Mishra, 'Copyright in the Digital Age: Addressing Issues on Online Piracy and Streaming Services' available at, <https://ijsret.com/wp-content/uploads> accessed on May 16 2026.

30 EU Copyright in the Digital Single Market Directive (Directive (EU) 2019/790.

providers. The Directive also strengthens the position of content creators in securing fair remuneration for the online exploitation of their works.

Furthermore, Recital 59[31] specifically provides that authors whose works are incorporated into press publications "should be entitled to an appropriate share of the revenues that press publishers receive" from such online uses.

5 Balancing Accessibility with Protection

While copyright protection is essential for safeguarding the rights and economic interests of creators, overly restrictive enforcement may inadvertently limit innovation, educational use, and public access to creative and cultural content. Accordingly, the central challenge in modern copyright law is to achieve a balanced framework that protects intellectual property rights without unduly restricting legitimate access and use. In the digital environment, consumers increasingly expect affordable, flexible, and convenient access to films, music, and other creative works across multiple devices and online platforms. If copyright enforcement becomes excessively rigid or punitive, it may discourage innovation, limit content circulation, and reduce audience engagement with lawful platforms.[32]

One of the primary reasons piracy flourished is the lack of easy access to diverse content at a reasonable price. Streaming platforms addressed this by offering low-cost subscriptions, personalised recommendations, multi-device access, and offline viewing. For instance, Netflix's mobile-only plan in India caters to smartphone users with limited budgets, significantly reducing the incentive to resort to piracy. Conversely, inadequate or weak copyright protection creates significant risks, particularly by encouraging piracy and undermining investment in creative industries. Where creators are unable to effectively control the use of their works or generate adequate revenue, the sustainability and growth of the creative economy becomes severely compromised. This is particularly important in the digital age, where content can be copied and distributed globally within seconds. Achieving an appropriate balance, therefore, requires a multi-dimensional approach that includes:

a. Effective copyright legislation capable of addressing digital realities.

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31 *Ibid.*

32 UNESDOC Digital Library, 'The New challenges of striking the right balance between copyright protection and access to Knowledge, Information, and Culture', available at <https://unesdoc.unesco.org/ark:/48223/pf0000187683> accessed on May 18 2026.

b. Strong but fair enforcement mechanisms against infringement;

c. Affordable and accessible lawful platforms for content consumption;

d. Efficient and transparent licensing systems that support lawful distribution;

e. Fair dealing exceptions to allow limited use for purposes such as education, research, and criticism**;**

f. Public awareness and education on copyright compliance and digital responsibility; and

g. International cooperation to combat cross-border digital piracy.

In practice, the growth of streaming services has demonstrated that lawful accessibility significantly reduces piracy, particularly where content is reasonably priced, easily accessible, and delivered through user-friendly platforms. This illustrates that effective copyright protection is not solely about enforcement, but also about ensuring that lawful access remains attractive and competitive.

6. Recommendations

Effective protection of digital content requires a balance between accessibility and copyright enforcement**.** Nigeria should strengthen its copyright system through coordinated legal, institutional, technological, and economic reforms**.** Legislatively, the *Copyright Act* should be amended to address emerging issues such as artificial intelligence, clearer ISP liability rules, and expanded fair dealing exceptions for education, research, and innovation. Enforcement should also be improved by strengthening the Nigerian Copyright Commission (NCC), establishing specialised IP courts, and enhancing collaboration with stakeholders and private platforms. To improve accessibility, platforms should adopt affordable pricing models, governments should support subsidised educational content, and open licensing should be encouraged where appropriate to expand lawful access to digital works.[33]

Technologically, Nigeria should promote blockchain-based rights management, digital watermarking, and content identification systems, alongside support for local anti-piracy innovations and pilot blockchain projects in the creative industry. Stakeholder cooperation is also essential through copyright education programmes to improve awareness and reduce infringement. Economically, reforms should include tax

[33] 'ITU Guidelines on how to ensure that digital information, services and products are accessible to all people, including Persons with disabilities, during COVID-19' available at <https://www.itu.int/en/SiteAssets/COVID-19/ITU-Guidelines-on-digital-accessibility.pdf> accessed on May 17 2026.

incentives for compliant platforms and transparent royalty reporting systems to ensure fair remuneration for creators. Finally, effective monitoring systems should be introduced using performance indicators such as piracy reduction rates, licensing compliance, and royalty collection benchmarks to measure progress and guide policy improvements.

7. Conclusion

The digital age has transformed film and digital content distribution by creating unprecedented opportunities for accessibility, innovation, and global audience engagement. Streaming platforms and digital technologies have expanded the reach of creative industries such as Nollywood and enabled creators to participate in the global entertainment economy.

However, digital accessibility has also intensified copyright infringement, online piracy, and unauthorised exploitation of creative works.[34] Protecting creators while ensuring lawful public access remains one of the most important challenges confronting the entertainment industry today. Legal safeguards, technological protection measures, licensing systems, collective rights management, and regulatory enforcement all play important roles in protecting digital content. International treaties such as the Berne Convention, the WIPO Copyright Treaty, the WPPT, the Beijing Treaty, as well as domestic legislation such as *Nigeria's Copyright Act* 2022 and influential foreign laws like the DMCA, collectively provide the framework for digital copyright protection.

Ultimately, the future of film and digital content distribution depends on maintaining a fair balance between accessibility and protection. Such a balance promotes creativity, protects investment, encourages innovation, and ensures the continued growth and sustainability of the global creative industry.

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[34] Soumya Mishra and Dr Taru Mishra, 'Copyright in the Digital Age: Addressing Issues on Online Piracy and Streaming Services' available at <https://ijsret.com/wp-content/uploads/2025/03/IJSRET_V11_issue2_589.pdf> accessed on May 16 2026.