Copyright Law & Administration

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Is the Party Over? How DJs, Artists, and the Law are Colliding in Nigeria

1. Introduction

1.1 The Director-General of the Nigerian Copyright Commission (NCC) recently issued a public advisory in Abuja warning DJs (Disc Jockeys) against playing other people's music in public without proper authorisation or licensing. It was stated that the Commission had observed that many DJs perform copyrighted music at public venues without obtaining the necessary licences either from the copyright owners or their approved Collective Management Organisations (CMOs).[2]

1.2 Citing sections 9 and 12 of the Copyright Act, 2022, the DG reminded the public that only the copyright owner holds the exclusive right to reproduce, perform, or communicate protected works to the public. It was clearly stated that any DJ who engages in unauthorised use and appropriation of protected works without permission is violating the law, an offence that could attract serious civil and criminal penalties, including fines of at least ₦1 million, five years imprisonment, or both.[3] The DG further noted that DJ performances at clubs, event centres, hotels, and other public venues constitute public performance and communication to the public.

1.3 DJs were urged to obtain the appropriate licences and pay the required royalties through an approved CMO, and that the only CMO currently authorised to manage musical works and sound recordings in the country is the Musical Copyright Society of Nigeria (MCSN). Importantly, it was highlighted that the NCC is aware of the Memorandum of Understanding signed between MCSN and the Disc Jockey's Association of Nigeria (DJAN). This agreement allows DJAN to work directly with MCSN to facilitate royalty payments from DJs nationwide based on a negotiated tariff system that favours DJs.

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2 Punch Newspaper, "Copyright Commission Can Arrest, Prosecute Offenders – DG" (*Punch Newspapers*, May 21, 2025) <https://punchng.com/copyright-commission-can-arrest-prosecute-offenders-dg/> accessed June 11, 2025.

3 Nnaemeka Onyekachi and Nnaemeka Onyekachi, "NCC Cracks down on DJs over Copyright Violations, Issues 5-Year Jail Threat" (*Nairametrics*, June 4, 2025) <https://nairametrics.com/2025/06/04/ncc-cracks-down-on-djs-over-copyright-violations-issues-5-year-jail-threat/> accessed June 11, 2025.

1.4 Despite these arrangements, the DG emphasised that the Commission will not hesitate to investigate, arrest, and prosecute any DJ who fails to comply with the law. Going forward, it was affirmed that the NCC will be collaborating with relevant bodies to support DJAN's efforts and ensure that DJs operate lawfully under the Copyright Act.[4]

1.5 This chain of statements spurred mixed reactions on the internet because of the heavy implications involved for all parties, most especially the offending DJs. The art of disk jockeying is a considerable means of employment for the younger generation of Nigerians who desire to profit off the booming entertainment industry Nigeria currently wields.

1.6 Aside from the performers, another party facing a risk is the partiers. And for a country like Nigeria where its inhabitants love to rave, thanks to the various skilled DJs who turn up at the many day and night events, that risk is a huge one. Parties have evolved in Nigeria, changing the regular culture and lifestyle.[5] Today, parties have forgone the usual gatekeeping and formal structure. Instead, just a few organizers come together and form a team to transform warehouses, rooftops, or open fields into spontaneous party playgrounds. Partying has become an art form, and Nigerians are quickly making several masterpieces. For a party to be successful and exciting, it should have a DJ performance at the venue. DJs play a significant role in the culture of Afrobeats and the music industry at large.[6] They, however, not only show up at parties but also private and public corporate events as well as every artist concert.

1.7 The art of DJing has grown considerably over the years such that successful counterparts have become global personal brands, influencers, even growing to become artist/producer/DJs such as the likes of DJ Spinall and DJ Tunez who have singles, EPs, and even albums as the lead artist. DJs also release their mixes on CDs and digital platforms for listeners to enjoy their sleek transitions and creative versions of popular tracks.

1.8 But this is where it gets interesting and problematic. The DJ culture in Nigeria is built on informalities. Copyright infringement occurs so frequently in local culture that unlicensed DJing has become a usage in the trade. This is definitely an ignorance issue, and this is why if the aforementioned enforcement statements are carried out by the NCC, Lagos and the entertainment industry in Nigeria will feel it.

1.9 There has already been an emotional response from stakeholders online as some were of the opinion that the government is using another tactic to exploit the youth to enrich themselves. It appears that on one hand, the NCC is the "bad guy" who is trying to disempower the youth. On the other hand, it is also glaring that the NCC's duty is to ensure that Nigerian artists get compensated for the use of their works, a benefit which is clearly being stunted by DJs when they do not obtain appropriate licences to play the music of the artists publicly. So, the question is- which is the lesser evil that should be permitted?

1.10 This essay explains in some detail what all these competing factors mean legally, economically, culturally, and expresses an opinion on what should be done.

2. Artists' Rights Under Copyright and How DJs Infringe Them

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4 Peoples Gazette, "NCC Warns DJs against Public Performance of Music without Owners' Authorisation" (*Peoples Gazette Nigeria*, June 4, 2025) <https://gazettengr.com/ncc-warns-djs-against-public-performance-of-music-without-owners-authorisation/> accessed June 11, 2025.

5 "The Rise of Alternative Party Scenes in Lagos – The Lagos Weekender" <https://thelagosweekender.com/the-rise-of-alternative-party-scenes-in-lagos/> accessed July 1, 2025.

6 Titilope Adako, "The Role of DJs in Nigerian Music Culture" (*OsunDefender*, December 15, 2024) <https://osundefender.com/the-role-of-djs-in-nigerian-music-culture/> accessed June 11, 2025.

2.1 Copyright in the simplest of terms is the right to copy. It is a type of intellectual property that gives the creator of a work an exclusive legal right to do or authorize the doing of acts in relation to the work. The Nigerian Copyright Act of 2022[7] is the law that governs copyrights in Nigeria. Sections 9 and 12 of the law state that subject to very specific exceptions in the Act, the copyright in a musical work and sound recording respectively shall be the exclusive right to do and authorise the doing of a range of acts. To clarify, a musical work is the musical composition, the writing of the music. This is the first branch of copyright in the music world. The second branch of copyright in the music world is the copyright in sound recordings. This is the recorded music itself, the finished product, and the rights available under this category are very similar to that of musical works. These two copyrights are separated under the Act, and the owners of each right usually differ.

2.2 However, under section 9, which caters to musical works, the exclusive rights include the right to perform the work in public, and this is the focus of this essay. Public Performance rights involve the ability to control, authorize, and be paid for the public performance of a musical work (a song), for example live concerts, radio broadcasts, streaming, as well as performances in venues like bars or restaurants. However, performing rights relate to the composition, not the actual sound recording. The revenue for the use is paid to rights holders which are composers, songwriters, and publishers. They are paid by entities that use music publicly. A collective management organization (CMO) plays a leading role in administering performing rights and collecting royalties on behalf of musicians, but more on that later.

2.3 The Act furthermore describes what constitutes copyright infringement and it denotes that a copyright is infringed by any person who without the authorisation of the owner of the copyright does or causes any person to do an act, which constitutes a violation of the exclusive rights conferred under the Act. The public performance rights are exclusive rights usually violated by DJs in Nigeria when they do not get a licence to play the copyrighted music. This simply means that anyone who performs another person's copyrighted work without their permission has violated that person's right. This also means that the liability for the violation of a copyright does not only fall on the actual offenders but also on those who cause the offence. It is therefore safe to conclude that DJs should not be the only parties that should be threatened by the NCC.

2.4 The Act also specifically states that copyright is infringed when a person permits a place of public entertainment or of business to be used for a public performance of the work, where the performance constitutes an infringement of copyright in the work. Flowing from the above analysis, the implication of this is that event organisers also bear a responsibility to abide by the laws of copyright as well as assume liability where they do not. However, it is necessary to underscore that the doing of any of the acts referred to in this section shall be in respect of the whole or a substantial part of the work either in its original form or in any form recognisably derived from the original.

2.5 So, when a copyright is violated, what can the owner do? The Act provides for the right to institute enforcement action by the owner of a copyright where infringement of the copyright has occurred and it states that subject to the provisions of the Act, infringement of copyright is actionable at the instance of the owner, assignee or an exclusive licensee of the copyright in the court exercising jurisdiction in the place where the infringement occurred.[8] Therefore, rights owners have the legal backing to sue DJs when their intellectual property rights are being infringed. The law further states that in such action for an infringement of copyright, the plaintiff would be entitled to reliefs such

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7 *Copyright Act*, 2022 (Act No 8 of 2022), Nigeria.

8 Section 37(1) *Copyright Act*, 2022 (Act No 8 of 2022), Nigeria (NCA 2022).

as damages, injunction, account of profits, or as is available in any corresponding proceedings in respect of infringement of other proprietary rights.[9]

2.6 However, in an action for infringement of copyright, where it is proved or admitted that an infringement was committed, but that at the time of infringement, the defendant was not aware and had no reasonable grounds to suspect that copyright subsisted in the work to which the action relates, the plaintiff shall not be entitled to any damages against the defendant in respect of the infringement, but shall be entitled to an account of profits in respect of the infringement, whether or not any other relief is granted.[10]

3. The Role and Powers of the Nigerian Copyright Commission (NCC)

3.1 The Copyright Act, 2022 establishes The Nigerian Copyright Commission (the Commission).[11] It confers legal personality on the NCC and, by law the NCC has the right to sue infringers and pirates. The Commission is responsible for the administration, regulation, and enforcement of all matters relating to copyright in Nigeria. It also functions by investigating, redressing cases of infringement of copyright and settling disputes of copyright, where those disputes have not been specifically reserved for settlement under the Act.[12]

3.2 The Commission additionally has the power to prosecute, conduct or defend before a court any charge, information, complaint or other proceedings arising under the Act. In exercising its powers of enforcement and compliance, the Commission has a plethora of powers ranging from instituting criminal and civil proceedings against non-compliant persons or entities to sanctioning such persons or entities by the imposition of administrative fines.

3.3 The DG stated that the NCC conducts independent investigations upon receiving complaints, and its decision to pursue a case is not dependent on the complainant's wishes. It was also mentioned that even if a complainant decided to withdraw a petition, the NCC could still proceed with the case if it deems it necessary.[13]

3.4 Subsection 7 of section 44 of the Act which relates to copyright offences and criminal liability provides that "a person who without the consent of the owner of a work in which copyright subsists, communicates to the public or makes the work available to the public by wire or wireless means in such a way that members of the public are able to access the work from a place and at a time individually chosen by them for commercial purposes, commits an offence under this Act and is liable on conviction to a fine of at least N1,000,000 or imprisonment for a term of at least five years or both." This however does not stop a civil action from being proceeded against the offender by the infringed as it is permissible for both criminal and civil actions to be taken simultaneously in respect of the same infringement under the Act.[14]

3.5 Additionally, in February of 2025, the Attorney General of the Federation of Nigeria designated the NCC as a "relevant organisation" under the Proceeds of Crime (Recovery and Management) Act, 2022 (POCA 2022).[15] This is by virtue of the power

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9 Section 37(2) NCA 2022.

10 Section 37(4) NCA 2022.

11 Section 77(1) NCA 2022.

12 Section 78(1) NCA 2022.

13 Magdalene Ukuedojor, "NCC Can Arrest, Prosecute Copyright Infringement – Asein - News Agency of Nigeria" (*News Agency of Nigeria*, May 25, 2025) <https://nannews.ng/2025/05/22/ncc-can-arrest-prosecute-copyright-infringement-asein/> accessed September 11, 2025.

14 Section 47 NCA 2022.

15 Doyinsola Doyinsola, "Regulatory Update: Designation of the Nigerian Copyright Commission as a Relevant Organisation under the Proceeds of Crime (Recovery and Management) Act 2022" (*Tope Adebayo LP*, June 18, 2025) <https://topeadebayolp.com/regulatory-update-designation-of-the-

to designate such other organisations as stated in the Act.[16] It brings copyright infringement, especially piracy into the same framework that governs crimes like fraud and money laundering. The NCC can now do more than seize pirated works; it can trace and recover the financial gains from copyright crime. This includes freezing accounts, recovering properties, collaborating with agencies like the Economic and Financial Crimes Commission (EFCC), and participating in the management of seized assets.

4. The Issues Around Who Issues Music Licences in Nigeria?

4.1 The question of who issues music licences in Nigeria has long been contested. While copyright law recognises that rights holders may license their works directly, there exists another approach which is Collective Management Organisations (CMOs). These bodies negotiate licences, collect royalties, and redistribute them to members. Yet, the Nigerian landscape has been characterised by regulatory battles, judicial uncertainty, and institutional rivalry particularly between the Musical Copyright Society of Nigeria (MCSN) and the Copyright Society of Nigeria (COSON).

4.2 The Copyright Act, 2022 defines a CMO as *"an organisation representing copyright owners, which has as its principal objectives the negotiating and granting of licences, collecting and distributing of royalties in respect of copyright works."*[17] Under the Act, a CMO must be incorporated as a company limited by guarantee, represent a substantial number of rights holders, and comply with NCC regulations.[18] Crucially, the Act empowers the NCC to approve only one CMO per class of works, provided it is satisfied that the existing CMO adequately represents copyright owners in that category.[19]

4.3 Approval is therefore a statutory condition precedent to operating as a CMO.[20] Section 88(4)–(5) criminalises operating without NCC approval, prescribing fines and imprisonment. The NCC also exercises regulatory oversight, including reviewing tariffs, setting standards of accountability, and suspending or revoking licences.[21] Thus, the law establishes a tightly controlled, single-operator framework in which the NCC functions as both gatekeeper and regulator of collective management.

4.4 For many years, COSON functioned as the sole CMO for musical works and sound recordings in Nigeria.[22] This monopoly sparked debate over whether the Copyright Act intended to shut out competition or whether multiple CMOs could coexist.[23]

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nigerian-copyright-commission-as-a-relevant-organisation-under-the-proceeds-of-crime-recovery-and-management-act-2022/> accessed September 11, 2025.

16 Section 43 POCA 2022.

17 Section 88(7) NCA 2022.

18 Section 88(2) NCA 2022; There is an existing law providing a framework for the approval, membership, management, and obligations of a Collective Management Organisation (CMO) and it is the *Collective Management Regulations*, 2025 (CMR 2025) which repealed the 2007 rules.

19 Section 88(3) NCA 2022.

20 Section 88(6) NCA 2022; section 4(1) CMR 2025.

21 Ibid.

22 In 2009 the Copyright Society of Nigeria (COSON) was licensed as the sole CMO in the music industry. See Mosun Oke and Peter Okoyamah, "Administration of Copyright Royalties: The Legal Quagmire of Collective Management Organizations In" (*Mondaq*, May 10, 2024) <https://www.mondaq.com/nigeria/copyright/1462644/administration-of-copyright-royalties-the-legal-quagmire-of-collective-management-organizations-in-nigeria> accessed September 15, 2025.

23 See, Adejoke O Oyewunmi, *Nigerian Law of Intellectual Property* (University of Lagos Press 2015) 139, contending that the global trend appears to support de jure or de facto monopoly rights for collecting societies. See also, Copyright, Competition and Development (Max Planck Institute for Intellectual Property and Competition Law December 2013) [224]-[229], cited in Adejoke O Oyewunmi, Nigerian Law of Intellectual Property (University of Lagos Press 2015), and cited in

4.4 MCSN contested the NCC's recognition of COSON as the sole CMO for musical works.[24] MCSN argued that it was entitled to administer musical rights without requiring a licence from the NCC. The society further contended that section 39 of the Copyright Act was unconstitutional, as it prohibited unregistered entities from administering and enforcing copyrights, thereby amounting to a violation of its constitutionally guaranteed right to property. The court, however, rejected the argument and held that operating as a CMO without prior approval from the NCC was unlawful.

4.5 Subsequently, COSON's licence was suspended due to allegations of financial mismanagement, non-compliance with NCC directives, and other irregularities.[25] Following a petition by MCSN to the Attorney-General of the Federation (AGF), in which it alleged bias by the NCC for refusing to grant it a licence, the AGF issued a directive mandating MCSN's approval as a CMO. This directive was premised on MCSN's compliance with the requirements set out under Article 2 of the Copyright (Collective Management Organisations) Regulations 2007. COSON challenged this directive in *COSON v. MCSN & NCC*,[26] seeking an order to restrain the NCC from granting approval to MCSN. The Federal High Court dismissed COSON's claim, affirming that MCSN had been validly licensed by the NCC, and that the AGF's directive requiring the withdrawal of pending actions against MCSN was proper.[27]

4.6 Despite the suspension of its licence, COSON has continued to operate as a CMO, relying on the argument that, as owner, assignee, and exclusive licensee of the copyrights within its repertoire, it retains constitutional rights to enforce those works. In support of this position, COSON has relied on judicial authorities which reveal that this argument was valid before the 1999 amendment to the Copyright Act which introduced Section 15A.

4.7 In *MCSN v. Adeokin Records*,[28] the Federal High Court initially dismissed MCSN's claim on the grounds that it lacked standing, since it had not been licensed as a CMO. MCSN argued, however, that it was suing not as a CMO, but in its proprietary capacity as owner, assignee, and exclusive licensee of the works in issue. The Court of Appeal accepted this position, reasoning that Section 15 of the 1992 Copyright Decree (now Section 37 of the Copyright Act) conferred a right of action on owners, assignees, and exclusive licensees of copyrighted works. The Supreme Court subsequently affirmed this reasoning, clarifying that MCSN's proprietary rights were distinct from the functions of a collecting society and could therefore be enforced without NCC approval.[29] The decision effectively underscored that copyright ownership or exclusive licensing alone is sufficient to ground locus standi in infringement actions, independent of CMO status.

4.8 However, this reasoning was complicated by subsequent legislative reform. The Copyright (Amendment) Act of 1999 introduced Section 15A (now section 39), which explicitly requires NCC approval or an exemption certificate as a condition precedent to instituting infringement proceedings by any person or society representing more than

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John Onyido, 'Issues and Perspectives on Collecting Societies and The Management of Musical Works and Sound Recordings in Nigeria' *The Gravitas Review of Business and Property Law* (2018) available at https://www.academia.edu/38564265/ accessed 15th September 2025.

24 *MCSN v. NCC* FHC/L/CS/478/2008.

25 Since that time, COSON's operating license has expired. Jane Aguoye, "COSON Crisis: NCC Suspends Copyright Society's Operating License" *Premium Times* (May 5, 2018) <https://www.premiumtimesng.com/news/more-news/267313-coson-crisis-ncc-suspends-copyright-societys-operating-license.html> accessed 15th September 2025.

26 Suit No: FHC/L/CS/1259/2017.

27 Afam Ezekude 'Text of press briefing by the Director General, Nigerian Copyright Commission, Mr. Afam Ezekude, on the dispute in the Governing Board of Copyright Society of Nigeria (COSON)', (Nigerian Copyright Commission, 19 April 2018).

28 (2007) 13 NWLR (Pt 1052) 616 (CA).

29 Appeal No: SC.336/2008.

fifty rights holders.[30] This amendment appeared aimed at closing the gap highlighted in Adeokin, by ensuring that entities acting in a collective management capacity could not sidestep regulatory oversight.

4.9 The tension between statutory reform and judicial interpretation was evident in *MCSN v. Compact Disc Technologies Ltd. & Ors*.[31] Here, MCSN again instituted an infringement action, and the defendants challenged its standing on the basis that it was not licensed by the NCC. While the Federal High Court dismissed the objection and upheld MCSN's proprietary claim, the Court of Appeal reversed the decision, holding that section 39 imposed a mandatory requirement of NCC approval. The appellate court concluded, after reviewing the pleadings, that MCSN was effectively acting as a CMO, notwithstanding its claim of suing as an assignee and licensee. The Supreme Court, however, reinstated MCSN's position, holding that the 1999 amendment could not operate retrospectively to invalidate rights acquired prior to its enactment.

4.10 Taken together, these cases highlight a fundamental tension in Nigerian copyright law between the proprietary rights of copyright owners or assignees, and the regulatory framework governing collective management organisations. While the courts have recognised the legitimacy of enforcing rights on the basis of ownership or exclusive licensing, even in the absence of NCC approval, legislative amendments have sought to curtail such autonomy where collective management is involved. The jurisprudence therefore reflects a broader struggle to balance authors' proprietary interests with the state's policy objective of regulating the collective administration of rights.

4.11 Today, MCSN is the only NCC-approved CMO for musical works and sound recordings.[32] COSON appears to lack the legal authority to collect royalties from any party while its licence remains under suspension. In fact, the Nigerian Copyright Commission initiated proceedings against COSON officials for continuing to demand royalties despite the suspension, an offence punishable under section 39 of the Copyright Act.[33] COSON is barred from demanding royalties unless and until the suspension is lifted, either by the NCC or through a final judgment of a court of competent jurisdiction, the exception being whether there exists a judgement of a suit instituted before the suspension.[34]

4.12 The NCC renewed MCSN's approval in December 2020 and reaffirmed this in subsequent public statements, including one by its Director-General in 2025.[35] MCSN currently licenses users across broadcasting, digital streaming, and live performance sectors. It monitors usage through cue sheets, broadcast logs, and digital tracking tools, collects royalties, and redistributes them according to global distribution standards. In contrast, COSON continues to dispute its suspension, claiming that

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30 Section 39 NCA 2022.

31 (2018) Lagos Law Journal Reports.

32 Mayowa Ekundayo, "Musical Copyright Society Nigeria (MCSN)" (*Musical Copyright Society Nigeria (MCSN)*, April 29, 2025) <https://www.mcsnnigeria.org/> accessed June 11, 2025.

33 NCC v. Tony Okoroji & Ors. (Charge No: FHC/L/338C/18)

34 In 2023, COSON was awarded the sum of N500,000,000.00 (Five Hundred Million Naira) by the Court of Appeal sitting in Calabar for copyright infringement at the Calabar Carnival and Festival. The suit was instituted in 2014, see "COSON CRUSHES CROSS RIVER STATE GOVERNMENT AT COURT OF APPEAL! AWARD OF HALF a BILLION NAIRA TO COSON FOR COPYRIGHT INFRINGEMENT AT THE CALABAR CARNIVAL IS AFFIRMED – COSON" <https://www.cosonng.com/coson-crushes-cross-river-state-government-at-court-of-appeal-award-of-half-a-billion-naira-to-coson-for-copyright-infringement-at-the-calabar-carnival-is-affirmed/> accessed June 11, 2025.

35 Ayo Onikoyi, "Nigerian Music Industry in Limbo as COSON, MCSN Battle On" *Vanguard* (January 24, 2021) <https://www.vanguardngr.com/2021/01/nigerian-music-industry-in-limbo-as-coson-mcsn-battle-on/> accessed 15th September, 2025.

MCSN lacks authority over works not expressly assigned to it.[36] This has left music users in a state of uncertainty, unsure which organisation holds the lawful mandate.

4.13 The COSON–MCSN conflict underscores deeper questions about Nigeria's collective management framework. Should the law continue to favour a "one-CMO-per-class" system, or should multiple CMOs be allowed to compete, thereby giving authors greater choice? Competition however would drive efficiency, accountability, and innovation but it risks an increase in transaction costs and weakening of enforcement in a market where compliance is already difficult.

4.14 However, it is worthy of note that even if the Act or any other law says otherwise, the approved Collective Management Organization (CMO) is allowed to grant licences for the use of copyrighted works belonging to people who are not members of that CMO, but only under certain conditions.[37] The first condition is that the works must belong to the same category (e.g., music, literature, film) for which the CMO is already approved to issue licences. The second is that the copyright owners must not be represented by any other CMO. The third is that there must be only one CMO approved to manage that particular type of work. Fourth is that the copyright owners must not have sent a written notice to the CMO saying they do not want their rights managed by a CMO. And finally, The CMO must treat these non-members fairly, meaning it cannot charge higher licence fees for their works, or pay them lower royalties compared to its actual members. Thus, the MCSN has the power to grant licences for works which they do not own if they fulfil these conditions.

5. What the NCC Suggests DJs Should do to Comply

5.1 In the 4th of June interview, the DG of NCC affirmed that there is only one CMO for musical works and sound recordings in Nigeria and that is the MCSN. It was further said that DJs should obtain the appropriate license and pay royalties to approved CMOs prior to performing their work in public. It was also mentioned that the NCC is aware that the Disc Jockey's Association of Nigeria (DJAN), the umbrella body representing DJs in Nigeria, has entered into a Memorandum of Understanding with MCSN.[38]

5.2 DJAN is a professional organization dedicated to supporting the growth and development of the Nigerian DJ industry. The DG stated that under the arrangement here, DJAN is authorised to work with MCSN to facilitate payment of royalties by DJs nationwide based on the tariff DJAN had negotiated with MCSN. It was also stated that henceforth, the Commission would be collaborating with other relevant authorities to support the initiative of DJAN, to ensure that DJs carry out their trade in compliance with the Copyright Act.

5.3 So, what does this memorandum of understanding between MCSN and DJAN entail, and why is it recommended by the NCC? To clarify, through this partnership, members of DJAN are automatically licensed by MCSN, meaning that a DJ can obtain and enjoy the licence through DJAN instead of paying a huge amount for a DJ licence annually. This license is what is called a blanket license. A blanket licence is offered by MCSN, and it covers a set of works for a specific period and usage. It grants the DJs the right to use MCSN's collection of copyrighted works without needing to obtain an individual license for each specific item. Thus, when members of DJAN get this license, they have

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[36] Benjamin Njoku, "MCSN Wins, as Commission Ends Battle over Artistes' Royalties Collection" *Vanguard* (September 2, 2022) <https://www.vanguardngr.com/2022/09/mcsn-wins-as-commission-ends-battle-over-artistes-royalties-collection/> accessed 15th September, 2025.

[37] section 88(9) NCA 2022.

[38] Leadership News and Leadership News, "MCSN, DJAN Sign Pact to Protect Copyright Law" (*Leadership News*, December 9, 2024) <https://leadership.ng/mcsn-djan-sign-pact-to-protect-copyright-law/> accessed June 11, 2025.

the right to play all the songs that are in MCSN's repertoire publicly. This revenue would be shared to artists in their collection and ensure that they are fairly compensated for the use of their works. MCSN and DJAN signed this Memorandum of Understanding to protect copyright laws and ensure professionalism in promoting music in Nigeria.

5.4 The general manager of MCSN said that the memorandum of understanding is critical in a time when Nigeria's creative industry is growing and that as part of NCC's renewed efforts to ensure respect for copyright and to address all forms of infringement, operatives will soon commence the enforcement of the criminal provisions of the Copyright Act against any DJ found violating the law.

5.5 It was stated that MCSN will work with DJAN to develop a regulatory framework that ensures operations are properly accredited and identified during public performances to ensure full compliance with copyright rules and promote order and professionalism. He said the memorandum of understanding is a win-win situation to harmonize interests of musicians and DJs who have often been at odds and that it took significant efforts to make musicians understand the importance of DJs promoting their work. DJAN's president indicated that there is a lot of financial reward in the entertainment industry and with the relationship with MCSN, Nigeria stands to reap significant benefits.

5.6 How much money could the industry make then? If DJs, event organizers or owners of public spaces are paying to get a license, MCSN gives money to artists which increases the revenue and profitability of artists but then the parties paying for the licence would have to increase their price to factor in the costs of licensing in order to make profit and this will definitely be considered in the prices of the finished service that will be borne by the attendees and thus everything will fall back on the consumers. Art wins in the end, but accessibility may suffer, a balance that has been so difficult to attain in the Nigerian landscape.

5.6 However, the President of DJAN emphasized the role of DJs in supporting the economy by paying taxes and promoting IP rights. He remarked that: "The memo of understanding will help MCSN collect royalties from our members who use music, which is an artist's intellectual property." He also added that DJAN also secured a waiver from MCSN offering lower fees to the members and that DJs should join the association to benefit from the reduced fees and urged all Nigerians to support the craft of DJing to promote employment and reduce crime.[39]

6. Direct Licensing: An Alternative to Using a CMO

6.1 It is also important to highlight the fourth condition that must be met before the Musical Copyright Society of Nigeria (MCSN) can grant licenses for works belonging to non-members. Specifically, if a copyright owner issues a written notice to MCSN stating that they do not want their rights managed by the organization, then MCSN is precluded from granting a licence on their behalf.[40]

6.2 As a general rule, licences may be obtained either from rights holders directly or through Collective Management Organizations (CMOs). Where the rights holder retains the power to license their works without involving a CMO, this is referred to as *direct licensing*.[41] For instance, if a copyright owner opts out of CMO management and a user, such as a DJ still wishes to lawfully use the work, the only alternative is to pursue a direct licence. This involves negotiating and agreeing on terms for the use of a specific piece of music, or even an entire catalogue, directly with the rights holder or their

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39 Ibid.

40 See, section 88(9), *Copyright Act*, 2022.

41 Mood Media, "Music Licensing - What You Need to Know & Legal Solutions" (*Mood Media Ireland*, July 13, 2023) <https://moodmedia.com/ie/sound/music-licensing/> accessed September 16, 2025.

representative, rather than through a CMO.[42] Importantly, copyright owners are not compelled to assign their rights to CMOs; the law merely grants them the option to do so. In fact, in the United States, for example, Performing Rights Organizations (PROs) administer only certain performance rights, while so-called "grand rights" relating to theatrical performances are generally managed by the artists themselves, who are often better positioned to negotiate lucrative agreements.[43]

6.3 The process of direct licensing typically requires identifying the rights holder, reaching out to them, and negotiating bespoke licensing terms without involving a CMO. This method affords copyright owners greater control and potentially higher financial returns, but it also demands more effort, time, and negotiation on the part of the user. As such, direct licensing is most common where blanket licences from CMOs are unsuitable or where specific, customized arrangements are required. However, the system can be cumbersome to implement at scale precisely the problem that blanket licences from CMOs were designed to solve. The prevalence of infringement in the industry illustrates the challenges posed by the shortcomings of both structures.

7. DJ Licensing in the UK: Lessons Nigeria Can Learn

7.1 It is important at this stage to carry out a brief comparative analysis of how developed countries administer DJ licensing, protect intellectual property, and maintain a functional royalty system for creators. This comparison is particularly valuable when placed side-by-side with Nigeria's current regulatory struggles.

7.2 In the UK, the licensing process is more structured, streamlined, and data-driven. A major difference lies in who the burden for obtaining a public performance licence falls upon. Unlike Nigeria, where only DJs are warned to individually secure their licences through a single approved CMO (MCSN), in the UK, the legal responsibility for licensing music played publicly often falls on the venue or the event organiser. However, DJs are still advised to confirm that the venue has the proper licences. If it doesn't, the DJ might need to obtain their own licence or could, along with the venue owners, and event organizers be held liable for copyright infringement.[44]

7.3 This type of licence is generally called "TheMusicLicence" and is issued by PPL PRS Ltd, a joint licensing body representing both the rights of music performers and composers. Previously, businesses and organisations had to obtain separate music licences from PPL and PRS for Music. However, both organisations have now come together to form PPL PRS Ltd., and to launch TheMusicLicence.[45]

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[42] By law, the owner of copyright in a musical work or sound recording has exclusive rights to the work under the Copyright Act, 2022 ss 9 & 12.

[43] See, Robert Gorman and Jane C Ginsburg, *Copyright: Cases and Materials* (7th edn, Foundation Press 2006) 678. See also, Daniel Gervais, 'Collective Management of Copyright and Neighbouring Rights in Canada: International Perspective' <http://aix1.uottawa.ca/~dgervais/publications/collective_management.pdf,>. Additionally, see Andreas Kefalas 'The Relevance of Traditional Collective Management Organisations in the Digital Age: Current Challenges and Future Possibilities' (University of Agder 2017)<https://brage.bibsys.no/xmlui/bitstream/handle/11250/2457424/Kefalas%2C%20Andreas.pdf?sequence=1> all cited in John Onyido, 'Issues and Perspectives on Collecting Societies and The Management of Musical Works and Sound Recordings in Nigeria' *The Gravitas Review of Business and Property Law* (2018) available at https://www.academia.edu/38564265/ accessed 16th September, 2025.

[44] See, iMusician Digital Ag, "What Is a DJ License and How to Get One" (*iMusician*, November 2, 2022) <https://imusician.pro/en/resources/guides/dj-license> accessed June 11, 2025.

[45] PPL PRS LTD, "What Is TheMusicLicence - PPL PRS" (*PPL PRS*, April 23, 2025) <https://pplprs.co.uk/themusiclicence/#:~:text=If%20you%20use%2C%20play%20or,One%20licence.> accessed June 11, 2025.

7.4 TheMusicLicence collects licence fees from UK businesses and organisations on behalf of its parent companies, PPL and PRS for Music. PPL then distributes the music licence fees for the use of recorded music on behalf of record companies and performers, while PRS for Music distributes music licence fees for the use of musical compositions and lyrics on behalf of songwriters, composers and publishers. This ensures that the people who create music are fairly rewarded for their talent and work.

7.5 This synergized structure significantly reduces confusion for music users, unlike Nigeria's environment which has been characterised by ongoing legal disputes between MCSN and COSON over legitimacy and control of repertoire. While MCSN is currently the only approved CMO for musical works and sound recordings in Nigeria, the continued public presence and legal actions pursued by COSON have generated an atmosphere of uncertainty that weakens confidence in the licensing system. In contrast, the UK's structure leaves little room for such ambiguity.

7.6 PPL and PRS, with a wealth of information about what music is being used by customers and where can determine fairly and efficiently which of their members to pay, and how much to pay them. Their methods include receiving reporting and information on recorded music played by the TV broadcasters, radio stations, music suppliers and UK businesses that they license. In some cases, this information is provided on a track-by-track basis, which is then reviewed against the data they hold to identify the applicable performers and recording rights holder members whom they should pay.

7.7 Where this is not feasible, they use a combination of methods to identify the music that has been played. This includes the use of data captured at the point of licensing and through market surveys (in relation to the types of music used by different types of customers). Also, when setting up a licence, the DJ would be asked if the radio or streaming services will be used and whether recorded or live music is preferred. Doing so helps to generate this information so that royalties can be distributed accurately according to what music is used.

7.8 Although MCSN also employs a range of advanced methods to track music usage, the failure to put an end to the confusion of who exactly issues music licences contributes to the strong distrust between artists, DJs, and the CMOs.

7.9 When it comes to pricing, the UK adopts a model based on sector and music usage. TheMusicLicence cost is determined based on the size of the business, how music is used, number of employees, venue capacity, and other relevant factors. This ensures fairness and flexibility.[46] In Nigeria, the current system under MCSN and DJAN offers a blanket licence to DJs at a fixed, negotiated rate. While this is a step in the right direction, it still doesn't match the level of individualised, transparent pricing seen in more advanced climates.

7.10 The UK system also recognises the specific needs of DJs who use digital tools. DJs who copy music onto laptops or hard drives for performances must obtain a separate licence called the ProDub licence. This licence legalises the copying of tracks from legally purchased sources to digital devices for public use. Prices vary depending on the number of tracks copied annually, with tiers that make the licence accessible to different levels of DJs.[47] Nigeria currently has no equivalent of this, which reflects how much of the country's DJ culture is still built on informal systems.

7.11 So, what can we learn from the UK system? Firstly, spreading the responsibility of licensing away from just the DJs and including event venues and organisers would be

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[46] PPL PRS LTD, "Music Licence Cost - PPL PRS - TheMusicLicence" (*PPL PRS*, April 23, 2025) <https://pplprs.co.uk/themusiclicence/music-licence-cost/> accessed June 11, 2025.

[47] Buster, "Do I Need a License to DJ in the UK?" (*DJ GYM*, March 19, 2023) <https://www.djgym.co.uk/post/do-i-need-a-license-to-dj-in-the-uk> accessed June 11, 2025.

more practical. Given Nigeria's current entertainment structure where parties have transcended event venues to informal locations, this gap would be filled by stressing that DJs should obtain licences when playing at these locations. Secondly, Nigeria could benefit from introducing more tailored licensing options for different DJ needs, such as separate licences for digital copying or streaming performances.

7.12 Ultimately, the UK system is effective because it operates under a clear legal framework, backed by reliable institutions and a shared understanding among stakeholders of their roles and obligations. Nigeria's current approach, though legally backed by the Copyright Act, still lacks the clarity, enlightenment, implementation, and most importantly, the trust necessary to make its licensing model effective at large. Until these gaps are filled, Nigerian DJs will continue to navigate an unsafe and contradictory regulatory landscape, while Nigerian artists will remain cheated in a system that has yet to fully develop. This comparison is intended to reveal possibilities and not a recommendation to copy and paste foreign models.

8. Conclusion

8.1 In conclusion, the implications of the recent warning by the NCC for the Nigerian music industry are profound. If handled poorly, enforcement of DJ licensing could stifle cultural expression, limit economic opportunities, and foster resentment. If handled effectively with education, stakeholder collaboration, fair tariffs, and the inclusion of modern infrastructure, it could stimulate a more professional, profitable, and sustainable creative industry in Nigeria.

8.2 The slippery slope lies in striking this balance. Overregulation without adequate infrastructure could harm the very creators and performers the law aims to protect. In the same vein, under-regulation permits continued exploitation and loss of revenue for artists. Therefore, reform must be guided by a dual guide: to protect rights holders without stifling cultural innovation and access.

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