

WINNING ESSAY ON THE 2025 WORLD IP DAY

ESSAY COMPETITION

OLADEJI JOSHUA OLUWAFERANMI[1]

FROM BEATS TO DEALS: THE ROLE OF IP LAW AND INNOVATION POLICY IN ADVANCING THE MUSIC INDUSTRY

In the Nigerian musical arena, there are many dramatic issues of concern. These issues, in most cases, throw all the key actors and the general audience into a labyrinth of emotions. It is worth it to sit on a seat of curiosity and peruse how things work in this arena. It is not a mystery that the Nigerian music industry is one of the largest in the entire universe.[2] Its sheer scale and commercial success have exposed underlying tensions around rights ownership, fair compensation, and creative control, which demand strong legal and policy responses. Therefore, the largeness of the industry creates a field of intellectual battles. However, these battles are either unresolved or unsatisfactorily addressed because of the wobbly legal framework in place guiding intellectual property.[3] It is crystal clear that the legal framework and institutional policies partially focus on content, but not on the cloudy issues of unconscionable bargains among the artists, record labels and professionals. Building on this introductory block, this work aims to critically examine the gaps in Nigeria's IP law and innovation policy in the music sector and, importantly, to propose legal and policy reforms for sustainable industry growth.

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[1] Oladeji Joshua Oluwaferanmi, University of Lagos.
[2] Mosunmola Ogi-Olu, 'Nigeria's biggest export to the world' (19 February 2024) <https://www.africanchangestories.org/2024/02/19/nigerias-biggest-export-to-the-world/> accessed 17 April, 2025.
[3] Olariyike Damola, 'Challenges of Protecting Music Intellectual Property in the Digital New Age in Nigeria' (26 April 2023) <https://journals.eanso.org/index.php/eajle/article/download/1189/1694/> accessed 17 April, 2025.

2.0. THE MUSIC INDUSTRY IN NIGERIA: A SNAPSHOT

Nigerian music has become the newest sensation on the international music scene due to its unrestrained global expansion. In addition to increasing the movement's financial viability, this upsurge also signalled important turning points in Nigeria's music industry. For two years in a row, the International Federation of the Phonographic Industry named sub-Saharan Africa the fastest-growing music industry globally in terms of revenue, highlighting Nigeria's significant contribution to this expansion.[4]

In addition, Nigerian music attracted international attention, with listeners discovering Nigerian artists over 950 million times in 2023. Spotify's sub-Saharan Africa Managing Director, Jocelyne Muhutu-Remy, noted exponential growth in genres like Highlife (224 per cent increase), Igbo Pop (303 per cent increase), and Fuji (187 per cent increase), with Afrobeats maintaining its dominance. Spotify's 2023 Loud & Clear report states that royalties paid to Nigerian artists skyrocketed by 2,500 per cent since 2017, amounting to N25 billion in 2023—more than double the N11 billion earned in 2022.[5]

However, as beautiful as the Nigerian music industry looks, there are a lot of challenges that militate against its growth. The first challenge is weak intellectual property protection and enforcement. One of the most severe difficulties affecting the Nigerian music business is the inadequacy of its intellectual property (IP) protection system.[6] Despite the presence of legislation like the Copyright Act and international conventions such as the Berne Convention, the enforcement of these rights remains weak and uneven. Digital and physical piracy still denies artists their due compensation. Even Grammy nominees Burna Boy and Wizkid, for instance, have openly bemoaned the erosion of their income caused by the pervasive unlawful downloads and unlicensed music uploads on websites like *Audiomack* and *Telegram* leak groups.[7] Furthermore, poor royalty distribution and a lack of legal action for infringements have resulted from internal crises at Collective Management Organisations (CMOs), such as the Copyright Society of Nigeria (COSON).[8] This ongoing failure stifles the growth of creative entrepreneurship in the industry, discourages innovation, and erodes investor confidence.

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[4] Ano Shumba, 'IFPI: Recorded music revenues in Sub-Saharan Africa grew by 22.6% in 2024' (20 March, 2025) <https://www.musicinafrica.net/magazine/ifpi-recorded-music-revenues-sub-saharan-africa-grew-226-2024> accessed 17 April, 2025.

[5] Dolapo Amusat, 'Nigerian Music Industry Flourishes Worldwide, Struggles at Home' (16 August, 2024) <https://punchng.com/nigerian-music-industry-flourishes-worldwide-struggles-at-home/> accessed 17 April, 2025.

[6] Adeola Oyinlade & Co, 'Music Business in Nigeria: Lack of Understanding of Rights, Legal Protection by Artists and Mechanism for Ensuring Fair Compensation' (10 June, 2024) <https://www.adeolaoyinlade.com/en/music-business-in-nigeria-lack-of-understanding-of-rights-legal-protection-by-artists-and-mechanism-for-ensuring-fair-compensation/ > accessed 17 April, 2025.

[7] In-house West Africa, 'Wizkid and Banky W Sued for Copyright Infringement' (20 August, 2018) <https://www.musicinafrica.net/magazine/wizkid-and-banky-w-sued-copyright-infringement> accessed 17 April, 2025.

[8] Mary Imelda, 'THE CHALLENGES OF THE NIGERIAN COPYRIGHT COMMISSION (NCC) IN THE FIGHT AGAINST COPYRIGHT PIRACY IN NIGERIA' (December 2014) <https://www.eajournals.org/wp-content/uploads/The-Challenges-Of-The-Nigerian-Copyright-Commission-Ncc-In-The-Fight-Against-Copyright-Piracy-In-Nigeria.pdf> accessed 17 April, 2025.

Apart from the above, another subtle challenge facing the Nigerian music industry is unconscionable and unbalanced contractual relationships. Record companies, musicians, and middlemen have infamously entered into exploitative contracts in Nigeria's music industry. Young, up-and-coming musicians who typically lack legal counsel or financial acumen sign contracts that give record labels undue control over their creative output and revenue sources. The legal battle between singer Brymo and his previous label, Chocolate City, is a prominent example.[9] In this case, contractual inconsistencies resulted in public outcry about who owned his intellectual property and unpaid royalties. In a similar vein, emerging talents like Bad Boy Timz and Lil Frosh have also had career-stalling contractual issues. Despite economic success, many artists are left financially insecure and creatively constrained by the lack of clear contract procedures and established industry norms, which feeds a vicious cycle of unjust deals.

Beyond the legal loopholes, the Nigerian music business lacks institutional frameworks that support creativity, the well-being of artists, and long-term expansion. There is little government-driven investment in creative technologies, digital distribution infrastructure, or local content marketing, even though artists like Davido and Tems have gained international fame through private endeavours and cross-border partnerships. Nigerian creators are subject to lower royalty rates than their international counterparts. This is partly because, many artists depend on foreign streaming services like *Spotify* and *Apple Music*, which frequently lack strong local content protection laws. Furthermore, the music industry is ill-prepared for worldwide technological changes since Nigeria's innovation policy has not yet addressed the growing influence of artificial intelligence on music production, licensing, and performance rights.

3.0. INTELLECTUAL PROPERTY LAW AND PROTECTION OF MUSIC RIGHTS

In Nigeria, for a work to be under the copyright protective arm, it must fall within the range of the subject matter provided for by section 2(1) of the *Copyright Act*, 2022. Out of the six categories, musical works stand as a linchpin. Based on section 9 and subject to the exceptions contained in Part II, a literary or musical work's owner has the sole authority to manage its reproduction,[10] publication, performance,[11] adaptation, distribution, broadcast, and public communication, including digital access and translations.[12]. However, according to section 27 of the *Copyright Act*, if a musical work or its adaptation has already been legally released in Nigeria with the consent of the copyright owner, the recording artist notifies the owner or an authorized collective management organization in advance, and pays a certain royalty, then recording it does not constitute infringement. Royalties must be distributed equitably if several works by various copyright holders are included. The same guidelines apply when musical recordings contain literary components, such as lyrics, to make sure no duplicate royalties are paid. The Commission can create laws to enforce these rules, and adaptations are only deemed unique if they significantly deviate from earlier iterations.

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[9] Ben Ezeamalu, 'Chocolate City battles Brymo, says N20 million invested on artiste yielded below N3 million' (24 September, 2016) <https://www.premiumtimesng.com/news/more-news/211125-chocolate-city-battles-brymo-says-n20-million-invested-artiste-yielded-n3-million.html> accessed 17 April, 2025.
[10] Okilo v. Dick Francis and Anor (2003-2007) 5 I.P.L.R. 243.
[11] Harms (Inc.) v. Martans Club Ltd [1927] 1 Ch. 526.
[12] Byrne v. Statis [1914] 1 KB 622.

A broad variety of moral and economic rights are enjoyed by works covered by copyright protection. The moral right protects a work's reputation and personal value in addition to its monetary value, and it grants the author the paternity of the intellectual output. Under intellectual property law, moral rights are particularly important because the author can choose whether or not to make the work public. Section 14 of the Copyright Act explicitly guarantees the creator's moral right, which relates to the relationship between an author and their creation because the creator is seen to have the moral right to direct its formation. He can also set the terms for its economic use and protect its integrity.

Accordingly, the economic rights granted to the creator of a musical work extend beyond the rights to reproduce, publish, perform, or publish the work in public. It includes the right to produce, reproduce, perform, or publish any translation of the work, to create a cinematograph film or other record of the work, to distribute copies of the work to the public for commercial purposes, to broadcast or communicate the work to the public via a loudspeaker or similar device, and to create any adaptation of the work.[13] In enforcing the rights, the Court of Appeal in ***Nigerian Copyright Commission & Ors v. Musical Copyright Society of Nigeria Ltd/GTE***,[14] held that the respondent does not have the permission of the appellant Commission to enforce the rights of its members.

Although the primary protection for songs and sound recordings is copyright, other aspects, such as a song's title, an artist's name, or their picture, can be registered as trademarks, giving artists the legal ability to control and profit from the use of these identifiers. However, to avoid public misunderstanding and the tort of passing off, such components cannot be registered if they are deemed scandalous, misleading, or closely resemble an already-registered trademark.[15] The term "Wizkid," for example, is already legally protected as a unique brand in the music business and cannot be legally registered by another entity. A trademark registration is valid for seven years under Nigerian law, and it may be renewed for an additional fourteen years.[16] By agreement, trademarks can also be transferred or assigned to third parties; however, the new owner, known as the assignee, must apply to the Trade Mark Registry to formally register their ownership.[17] Furthermore, character merchandising, the practice of using an artist's name, picture, or song title to market goods or services in return for royalties, often relies heavily on trademarks. However, upon a third-party court action, the registrar may wipe out a trademark based on non-use if it has not been used for five years in a row.

4.0. INNOVATION POLICY AND MUSIC INDUSTRY DEVELOPMENT

The strategic framework that governments, organisations, and private players use to mould the atmosphere for innovation, technology adoption, and intellectual property (IP) protection is known as innovation policy in the context of the music business. It entails creating regulations that guarantee that artists may use contemporary platforms without worrying about being taken

[13] See generally, Adejoke O Oyewunmi, Nigerian Law of Intellectual Property (1st edn, University of Lagos Press and Bookshop Ltd 2015).
[14] [2017] NGCA 1.
[15] Sections 11 and 13 of the Trade Marks Act.
[16] Section 23 of the Trade Marks Act.
[17] Section 26 of the Trade Marks Act.

advantage of, in addition to promoting the growth of fresh musical expressions.[18] The transformation of Nigeria's rich musical legacy into sustainable economic output, particularly as the industry transitions from old methods to digital-first production and distribution, depends heavily on innovation policy. Nigerian musicians run the danger of becoming marginalised in a global digital economy where music is consumed, altered, and sold at breakneck speed if they do not have a clear and cohesive innovation plan.

From production to consumption, technology has fundamentally changed the music industry's value chain. What it means to be a music maker, and owner has changed as a result of digital distribution, streaming services like *Spotify*, *Boomplay*, and *Apple Music*, as well as the emergence of AI-generated music. Bypassing conventional gatekeepers like record companies, Nigerian artists have been using these platforms more and more to reach fans across the world. Fair remuneration is threatened by new issues brought about by this technology transformation, including algorithmic prejudice, metadata misattribution, and royalty distribution opacity.[19] Because of concerns about authorship, originality, and protection under Nigerian law, the advent of AI-generated music further complicates the copyright environment. As a result, innovation policy and copyright frameworks must develop together.

The Nigerian government has responded in a variety of ways to this changing environment. Though access is still restricted and bureaucratic, initiatives such as the Creative Industry Financing Initiative (CIFI) have sought to bring money into the sector.[20] Legislative lethargy has also halted significant progress in the Nigerian Copyright Bill's ongoing revisions, which aim to bring Nigeria's copyright laws into line with contemporary realities, such as digital exploitation and equitable compensation. Innovation policy and intellectual property (IP) legislation are closely related; without a mutually beneficial connection, inventors are left open to exploitation, and the sector performs poorly financially. A legislative framework that supports innovation, upholds intellectual property rights, and responds to technological changes with adaptive governance is necessary to close this gap.

5.0. RECOMMENDATION AND CONCLUSION

Nigeria's music business has to undergo several reforms to expand sustainably. First, to handle digital issues like streaming, sampling, and AI-generated music, copyright rules need to be updated. By creating fast-track IP courts, problems about music will be resolved more quickly. To promote greater IP literacy, policies should also inform artists about their rights and provide incentives for IP-based innovation. To lessen reliance on international services, local streaming

[18] Alberto Arenal, 'Digital transformation, blockchain, and the music industry: A review from the perspective of performers' collective management organizations' (8 September, 2024) <https://www.sciencedirect.com/science/article/pii/S0308596124001149> accessed 17 April, 2025.
[19] HARLEM SOLICITORS, 'Nigerian Music Copyright Laws: Balancing Artists' Rights with Digital Streaming Services' (15 April, 2024) <https://www.harlemsolicitors.com/2024/04/15/nigerian-music-copyright-laws-balancing-artists-rights-with-digital-streaming-services/> accessed 17 April, 2025.
[20] Banwo & Ighodalo, 'Financing The Creative Industry In Nigeria: Matters Arising' (5 February, 2020) <https://www.banwo-ighodalo.com/grey-matter/financing-creative-industry-nigeria-matters-arising> accessed 17 April, 2025.

platforms and licensing schemes must be supported. To enhance infrastructure and encourage industrial expansion, the government, tech startups, and CMOs must work together institutionally.

In conclusion, despite its international recognition, the Nigerian music business faces challenges due to antiquated laws and insufficient intellectual property protection. Nigeria may overcome these obstacles by updating its copyright laws, bolstering its enforcement capabilities, and encouraging cooperation. These tactical changes would guarantee artists receive just remuneration, spur creativity, and improve Nigeria's music sector internationally.