

WINNING ESSAY ON THE 2025 WORLD IP DAY ESSAY COMPETITION

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

In 1965, Nigerian music legend Victor Uwaifo recorded the hit song "Joromi," which catapulted him to fame across West Africa. Decades later, a new artist remixed that iconic song without Uwaifo's permission. The matter ended in court, where the intellectual property rights of Uwaifo were ultimately affirmed. This incident, while seemingly singular, is emblematic of a global phenomenon: the tension between creativity and protection, between innovation and exploitation.

The music industry, anchored in creativity, culture, and commerce, has undergone a seismic transformation in the digital age. With platforms like *Spotify*, *YouTube*, *Boomplay*, and *TikTok*, music has never been more accessible. Yet, this global reach has also exposed the music industry to new threats, piracy, unfair distribution, appropriation, and the undervaluation of creators' rights. Against this backdrop, intellectual property (IP) law and innovation policy play an increasingly pivotal role in shaping the trajectory of the music industry.

This essay interrogates the role of IP law and innovation policy in advancing the music industry, with a particular focus on the Nigerian context within the global framework. It explores how IP can protect creators, encourage innovation, promote economic growth, and ensure a fair and equitable system that rewards creativity.

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Without Intellectual Property, There's No Music Industry

Music is inherently intellectual property. Every beat, lyric, harmony, and production are products of the mind, deserving protection under IP law. The primary forms of IP relevant to the music industry include copyright, neighbouring rights, trademarks, and, to a limited extent, patents. Copyright protects the original works of authorship fixed in a tangible medium. It covers lyrics, melodies, recordings, and sheet music. In Nigeria, the old Copyright Act,[2] and the newly enacted Copyright Act 2022,[3] provide the legal framework for copyright protection.

Section 1 of the 2022 *Copyright Act* clearly states that musical works are protected once they are fixed in a tangible medium of expression. This means a musician's demo on their smartphone is legally protected, even before it is released commercially. This legal protection is crucial for artists in securing ownership, licensing, and earning royalties.

Neighbouring rights, which protect the interests of performers, producers, and broadcasters, are also gaining recognition. For example, when Burna Boy's music is played on the radio or in a commercial, the producer and performer are entitled to royalties under these rights. The Nigerian Copyright Commission (NCC) and collective management organisations (CMOs) like Copyright Society of Nigeria (COSON) are tasked with overseeing these rights.

When Technology Disrupts, the Law Must Adapt

The rise of digital platforms has completely reshaped how music is made, shared, and consumed. On the one hand, artists can now reach global audiences without the backing of major record labels. On the other hand, the same technology has made it easier than ever for copyright to be violated, intentionally or not. From unlicensed sampling and remixing to algorithmic bias in streaming platforms, the traditional tools of IP enforcement are often too slow or too rigid to keep up. This new era calls for more adaptive legal frameworks that can respond to the blurred lines between inspiration and infringement, access and ownership, global exposure and local protection.

The global IP system is adapting to these changes. The World Intellectual Property Organization (WIPO) has advocated for robust digital rights management (DRM) systems and cross-border licensing frameworks. Similarly, article 17 of the EU Copyright Directive 2019[4] mandates that platforms take proactive measures to prevent copyright infringements, a model Nigeria can emulate.

Furthermore, metadata integrity has emerged as a critical issue. Inaccurate or missing metadata prevents creators from receiving their rightful earnings. According to a 2021 report by CISAC, over $500 million in royalties go uncollected globally every year due to poor data management.

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[2] Cap C28, Laws of the Federation of Nigeria 2004.
[3] No. 8, 2022.
[4] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019.

Innovation policy must encourage tech-enabled metadata management systems that ensure proper attribution and payment.

Innovation Policies: Fueling Growth and Sparking Creativity in Music

In an ever-evolving world, the role of innovation policies cannot be overstated. These policies are the blueprint that governments craft to nurture technological advancements and empower creative industries to flourish. In Nigeria, initiatives like the National Policy on Science, Technology, and Innovation (NPSTI) and the Creative Industry Financing Initiative (CIFI) are more than just policies, they are lifelines for the music and entertainment sectors. These frameworks have been designed to give the music industry a fighting chance against global competition, providing essential funding and creating a fertile ground for innovation to thrive.

But it's not just about financial backing. These policies create ecosystems where creativity can blossom, where artists are encouraged to experiment, and where the broader entertainment sector can continue to drive both cultural influence and economic growth. With these initiatives, Nigeria is beginning to take its place on the global stage, ensuring that the next generation of Nigerian artists will not only be heard but will be empowered to create, share, and monetize their work in ways that were once impossible. These policies are not simply laws, they are the bedrock on which the future of the Nigerian music industry is being built.

Government incentives such as tax breaks, grants, and low-interest loans to music startups and production companies can catalyse industry growth. Policies that support digital music platforms, studios, performance venues, and training institutions are indispensable. For instance, the Nigerian Investment Promotion Commission (NIPC) could classify music production under the pioneer status incentive, allowing music businesses to benefit from a tax holiday.

Equally vital is the legal infrastructure that supports innovation. The Copyright Act 2022 introduces new provisions such as statutory licensing and fair use exceptions that balance creator rights with public access, essential in an age of remixes, covers, and sampling.

Real-World Examples: How IP Affects the Music Industry Every Day

Let's take a moment to talk about Afrobeat, a genre that's taking over the global stage. From Fela Kuti, whose music was a powerful voice against oppression, to the current sensation, Wizkid, whose "Essence" featuring Tems, became a global hit. Afrobeat is Nigeria's cultural gift to the world, and it has witnessed a meteoric rise in recognition. But with that fame comes an undeniable challenge, global exposure means global exploitation.

Wizkid's "Essence," for example, was recently used in multiple international advertisements without the proper licensing. This sparked a flurry of debate about how copyright laws work (or don't work) across borders. How is it that one of Nigeria's most popular songs can be used in ads without the consent of the artists involved? This is the exact issue with intellectual property rights in today's music industry, how can artists protect their work when the world is so interconnected?

In the case of **Marvin *Gaye's Estate v. Robin Thicke and Pharrell Williams,***[5] the court ruled that Thicke and Williams had copied elements from Gaye's hit song "Got to Give It Up" without permission, and awarded Gaye's estate $5.3 million in damages. While this case was not litigated in Nigeria, its message is universal, artists need to know that inspiration can easily tip into infringement if they are not careful. This case is a stark reminder that while borrowing ideas is part of the creative process, respecting intellectual property boundaries is essential.

This case serves as important reminders of the need for clarity in intellectual property laws, the importance of international cooperation, and the critical role of artists understanding their rights in today's rapidly evolving music industry.

Empowering the Creators: Education and Enforcement

IP laws are only as powerful as their awareness. Most Nigerian artists, especially upcoming ones, are unaware of their IP rights. This lack of knowledge leads to exploitative contracts, loss of ownership, and prolonged legal disputes. Education is critical. Law faculties, music academies, and government agencies must incorporate IP literacy into their curricula. Platforms like WIPO Academy and the Nigerian Bar Association's Section on Business Law (NBA-SBL) can facilitate workshops for musicians.

Enforcement must also be streamlined. The NCC must be better funded and empowered to pursue digital and physical IP infringements efficiently. CMOs must be more transparent, democratic, and accountable in distributing royalties. Legislative oversight should ensure they meet international standards of collection and distribution.

Looking Ahead: How to Tackle the Challenges in Music IP Law

The future of music in Nigeria lies at the intersection of intellectual property law and innovation policy. But while there is immense potential for growth, there are significant hurdles that need to be addressed.

First, there is the issue of fragmented enforcement. With so many regulatory bodies in the mix, there is often an overlap or a lack of coordination. This can lead to confusion, especially when it comes to the entity in charge of enforcing IP rights and what jurisdiction applies.

Another challenge is piracy and the informal distribution of music. Platforms like *WhatsApp*, *Telegram*, and offline devices have made it easier than ever for music to circulate outside official channels. While this has democratized access, it has also made it harder for artists to ensure they are getting paid for their work.

Then, there is the issue of technology lag. While countries like the U.S. and the U.K. are using advanced AI-driven tools to track copyrights and royalties, Nigeria is still behind in terms of leveraging cutting-edge technology for IP protection.

[5] Williams v. Gaye, 895 F.3d 1106 (9th Cir. 2018).

What can be done about it? Here are some practical steps that could help:

- **Centralise Enforcement Agencies**: To streamline enforcement, we need a unified body, a dedicated Music IP Council, perhaps under the Federal Ministry of Justice. This would ensure that enforcement is more coordinated and efficient.
- **Leverage AI and Blockchain**: The world is already moving towards blockchain and smart contracts, which can help track royalties and ensure artists get paid for every stream and download. Nigeria should adopt these technologies to ensure that royalty distribution is as transparent and accurate as possible.
- **Mandate IP Education**: One long-term solution is to incorporate intellectual property rights education into school curricula, starting with secondary schools and professional music institutions. This would ensure that future artists, producers, and consumers understand the importance of IP rights and how to respect them.

With these steps, Nigeria's music industry could move closer to a future where artists are fairly compensated, creative expression is protected, and innovation continues to thrive.

Conclusion: From Beats to Deals, and Beyond

The music industry is not just about rhythm and melody, it is a powerful vehicle for economic growth, cultural diplomacy, and individual empowerment. Intellectual property law, when rightly applied, ensures that this creative energy is not exploited but rewarded. Innovation policy, when strategically implemented, ensures that creators have the tools and platforms to thrive.

From the backrooms of Bariga to the Grammy stage in Los Angeles, Nigerian music is a testament to the power of creativity. But without a solid IP framework, even the most beautiful song can become a silent loss. As we celebrate World IP Day 2025, the charge is clear: *strengthen our laws, innovate our policies, educate our artists, and protect the beats that birth the deals*.

The future of music lies not just in sound, but in law, policy, and justice.