

DUTY TO KEEP RECORDS AS PROVIDED IN THE COPYRIGHT ACT, 2022

INTRODUCTION

The protection and enforcement of copyright in Nigeria have taken a significant step forward with the introduction of the Copyright Act 2022. This legislation sets out comprehensive measures to safeguard the rights of creators and intellectual property owners. Among these measures, Section 48 of the Act places a crucial obligation on those engaged in the production or reproduction of copyrighted works. This article delves into the provisions of Section 48, examining its importance, the requirements it imposes, and the consequences of non-compliance.

OVERVIEW OF SECTION 48

Section 48 of the Copyright Act 2022 mandates that any person or entity involved in the business of production or reproduction of works in which copyright subsists, such as publishers, printers, producers, manufacturers, and aggregators, must keep detailed records of all works they deal with in the course of their business. The specific details that must be recorded include:

- The name of the author.
- The title of the work.
- The date of use or production.
- The quantity of the work used or produced.
- Any other information as may be prescribed by the Nigerian Copyright Commission (NCC).

These record-keeping requirements are designed to create transparency and accountability in the handling of copyrighted works, thereby facilitating the effective enforcement of copyright laws.

IMPORTANCE OF RECORD-KEEPING

The obligation to maintain records serves several vital purposes. First and foremost, it provides a clear and traceable history of how copyrighted works are utilized within the business, ensuring that all uses of the work are authorized and in compliance with copyright law. This transparency is essential for protecting the rights of authors and creators, who can rely on these records to track the use of their works and identify any potential infringements.

Moreover, these records are invaluable during audits and investigations by the NCC or other relevant authorities. They enable swift verification of the lawful use of copyrighted materials, helping to prevent or resolve disputes regarding unauthorized use.

CONSEQUENCES OF NON-COMPLIANCE

Section 48 is clear about the penalties for failing to comply with its provisions. If a person or business fails to keep the required records, makes a false entry, or knowingly produces false evidence based on these records, they commit an offence under the Act.

Upon conviction, the offender is liable to a fine of at least N100,000 or imprisonment for a term of at least one year, or both. This dual penalty structure underscores the seriousness with which the law views the failure to maintain accurate records. The substantial fines and potential for

imprisonment act as a strong deterrent against neglecting these duties, thereby encouraging compliance.

ACCESS TO RECORDS BY COPYRIGHT OWNERS

Section 48 also recognizes the rights of copyright owners and those with an interest in a work to access the records maintained by businesses. Upon written demand, a copyright owner or interested party is entitled to be furnished with information relating to their work as contained in the records.

This provision ensures that creators and rights holders can monitor the use of their works and take action if they suspect any unauthorized use.

By granting rights holders access to these records, the Act empowers them to actively participate in the enforcement of their rights. It also fosters a cooperative relationship between rights holders and those involved in the production or reproduction of works, promoting mutual respect and compliance with copyright laws.

CONCLUSION

Section 48 of the Copyright Act 2022 is a crucial component of Nigeria's copyright enforcement framework. By imposing stringent record-keeping requirements on businesses involved in the production and reproduction of copyrighted works, the Act seeks to ensure transparency, accountability, and respect for the rights of creators.

As the digital landscape continues to evolve, the need for robust copyright protection becomes increasingly critical.

Section 48 provides a clear legal foundation for tracking and verifying the use of copyrighted works, thereby supporting the broader goal of promoting creativity and innovation in Nigeria. It is essential for all stakeholders in the creative industry to understand and adhere to these requirements, ensuring that they contribute to a fair and legally compliant environment for the use of intellectual property.