

**OPENING ADDRESS BY THE DIRECTOR GENERAL, NIGERIAN
COPYRIGHT COMMISSION, MR ADEBAMBO ADEWOPO AT THE
WORKSHOP FOR CHIEF EXECUTIVE OFFICERS AND
OPERATING/COMPLIANCE MANAGERS OF OPTICAL DISCS
PLANTS HELD AT PLANET ONE, MARYLAND, LAGOS,
MARCH 11, 2009.**

PROTOCOL

I welcome you all to this workshop specially designed for Managing Directors and Operating/Compliance Managers of optical discs manufacturing/replicating plants. Today begins a new chapter in the relationship between the Nigerian Copyright Commission and manufacturers of optical discs plants as we jointly chart a new course in our collective efforts at improving the implementation of the Optical Disc Plants Regulation. It is my hope and prayer that this relationship will not only be sustained but would be nurtured by the combined ingredients of trust and sincerity to achieve better synergy between the Commission and operators of optical disc plants and also enable us achieve the underlying goal of our engagements which is the reduction of piracy in the creative sector.

The effect of piracy on right owners and the nation is great. Apart from economic loss to creators; the country is denied considerable loss in revenue and vital investments in the entertainment sector. Till recently, piracy had been fought through the traditional protections offered under copyright law. However, the emergence of digital technology and the predominance of optical disc as medium of fixation have created new challenges in terms of piracy control.

The Copyright (Optical Discs Plants) Regulation was officially launched in April 2007 by the Commission to contain this trend. The regulation of optical disc manufacturing plants has facilitated the identification of genuine plants for periodic inspection to ensure that illegal reproduction of work is not carried out. It has also enabled the Commission to

enforce the statutory duty requiring these plants to keep records of their productions. The basis of the Regulations is the powers vested in the Commission under Section 45(4) of the Copyright Act to make regulations specifying the conditions necessary for the operations of a business involving the production, public exhibition, hiring or rental of any work in which copyright subsists under this Act. One of the salient provisions of the regulation is the mandatory registration of persons and companies involved in manufacturing optical discs and production parts, importers and exporters of optical discs, duplicators. Such registered persons are equally obliged to adapt and use appropriate manufacturing code prescribed by the Commission. To enforce compliance with the regulation, the Commission's officials routinely make unscheduled inspection of registered Plants. In the last one year of implementation of the regulation, the Commission has conducted a number of inspections some of which were part of the initial registration process for plants.

In December 2008, the Commission carried out a general inspection of all plants. The essence of the exercise was to verify the extent to which registered plants have complied with the requirements of the regulations in terms of keeping of necessary records and application of the prescribed PIN codes; and to enable the Commission to maintain appropriate regulatory control and oversight on the Plants to guard against a possible relapse to pre-regulation standards of operations. The exercise also provided an opportunity for the inspection team to examine the operations of the plants with a view to determining the existence of any infractions which may require a follow-up action. The outcome of that exercise was very instructive. The report showed that many plants were in substantial compliance with the major provisions of the law. However, we observed a gross weakness in the area of post registration obligations of plants under the regulations. The team observed disparity in the keeping of the records by plants and in some cases, the total absence of the required records. Most plants also were in default regarding the issue of import approvals either for production parts or raw materials. Similarly, only a few plants had in place, the required rights clearance procedures.

These lapses, in our view, stems from lack of understanding of the full regulatory obligations of plants by Plant officials, and to some extent, the reluctance of some plants to jettison old practices for the new regime.

The Commission considers this scenario inimical to the achievement of the underlying goal of the optical discs regulation. In order to remedy the situation, we have come up with this workshop which, I believe would be both informative and interactive, to enable plants understand in details their obligations and duties under the regulation. Beyond the need to provide information, we are also looking forward to using this platform to encourage the adoption of uniform standards of operations in terms of record keeping which will make future compliance checks and the making of returns contemplated under the regulations easy for Plants and the Commission. At the end of the day, I hope to have an interactive session with Chief Executives of plants to enable us discuss other issues that will guaranty a congenial regulatory environment. I urge plant representatives to use this as an opportunity to make suggestions on ways of improving the implementation of this regulation.

As producers of copyright works, optical discs plants have an important role to play in delivering the gains of the copyright system. It is not enough for plants to merely fulfil production orders of customers. They should also be concerned with issues of standards and quality while adhering to international best practices. Producers are the first gate keepers in terms of safeguarding the creative wealth of the nation. A sanitized production environment ensures that only genuine products are injected into the channel of trade. They are also the custodians of valuable data that can facilitate effective rights management by authors of works, and guaranty due recompense for the toils of creative endeavours. Realizing this critical role, I therefore urge you particularly in the business of manufacturing and replicating of optical discs to resist the pull of compromising sound business practices in pursuit of profit and high turnover.

At an occasion like this, it is pertinent to underscore the need to safeguard the creative wealth of our nation as expressed in the abundant talents showcased in the burgeoning music and film industries. In the present global economic order, where development of nations is hinged on their ability to effectively harness their knowledge based products, the higher the level of protection of creativity, the higher the country's development prospects. Drawing example from the global perspective, California in the United States of America was a few years ago rated as the 5th largest economy in the world essentially because of the copyright driven industries such as Hollywood and Silicon valley. Although there is no accurate figure on the contribution of copyright industries in Nigeria to national economy, a cursory look at the key indices for such measurement, namely, value added to national economy, share in employment generation and contribution to foreign trade, certainly points to a positive direction. It is thus incumbent on all operators in the copyright sector to ensure that this positive attribute is preserved and the copyright industries are made to play a pivotal role to national development agenda as obtains in other countries.

As we go into this important workshop session, I want to re-affirm the Commission's commitment to continue to play its role as a catalyst for the enthronement of an effective and productive copyright system in Nigeria. We are committed to this mandate and we call on you, the operators of the copyright industries to join us in this drive.

On this note, it is my honour and pleasure to formally declare this workshop open. I wish you all a very successful deliberation.

Thank you.