

THE ROLE OF INTELLECTUAL PROPERTY PROTECTION ON THE CULTURAL  
INDUSTRIES IN AFRICA: A CASE STUDY OF THE NIGERIAN FILM  
INDUSTRY.

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## ABSTRACT

*This study highlights on the critical importance, contributions and potentials of the creative industries in promoting cultural identity and in boosting economic development and wealth creation in a world that is increasingly relying on knowledge based economy. It is clear that the cutting edge of global economic development is shifting inexorably in the directions that rely heavily on the creative resources of nations and the only way in achieving this is through the intellectual property system. In this study, the Nigerian film industry was used as a case study and the industry has over three hundred (300) of male and female actors and actress. Questionnaires and in-depth interview were used to elicit information and the responses from the questionnaires were interpreted through the use of software called SPSS, while the information obtained from the in-depth interview were interpreted and analyzed in a narrative form. The study reveals that the government has a non-challant attitude towards the film industry in Nigeria and private individuals are the major financier of the industry. The challenges of the industry are that of piracy and the lack of a well defined policy framework. The study recommends that the collaboration in the fight against piracy should be pursued with vigour. Stakeholder should participate in the design, implementation and enforcement of programmes to combat piracy.*

## DECLARATION

This research project is my original work except where sources have been acknowledged. The work has never been submitted, nor will it ever be, to another University in the awarding of a Masters degree.

~~MM~~ centum Rurs.

1/5/2012

**STUDENT SIGNATURE**

DATE \_\_\_\_\_

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## **DEDICATION**

This research is dedicated to my wife Patience and my son, Adriel Kuzayet.

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## ABBREVIATIONS

**AD:** Assistant Director

**Analog:** Manual use of an instrument (compared to digital)

**ASGISA:** Accelerated & Shared Growth Initiative of South Africa

**Bollywood:** Indian Film Industry

**Bootlegging:** illegal recording and selling

**CIGS:** Cultural Industries Growth Strategy (SA)

**DAC:** Department of Arts & Culture (SA)

**DACST:** Department of Arts, Culture, Science & Technology (SA)

**DCAL:** Department of Culture Arts & Leisure (Northern Ireland)

**DCMS:** Department of Culture, Media & Sport (UK)

**EESC:** European Economic & Social Committee

**FDI:** Foreign Direct Investment

**GDP:** Gross Domestic Product

**Hollywood:** American Film Industry

**IPR:** Intellectual Property Rights

**Mapping:** Guide on Surveying the Economic Contribution of copyright based industries

**NCC:** Nigerian Copyright Commission

**Nollywood:** Nigerian Film Industry

**OECD:** Organization for Economic Cooperation & Development

**R&D:** Research & Development

**SA:** South Africa

**SMEs:** Small & Medium Enterprise

**SMMEs:** Small, Medium & Micro Enterprise

**SPSS:** Statistical Package for Social Science

**UNCTAD:** United Nations Conference on Trade and Development

**UNESCO:** United Nations Education & Scientific Organization

**VCD:** Video Compact Disc

**WIPO:** World Intellectual Property Organization

## **CHAPTER ONE**

### **1.1 BACKGROUND OF STUDY**

Kalanje (2008), in a paper title Intellectual Property and Creative Small and Medium Sized Enterprises in Digital Environment defined the term cultural industries as;

Industries that have their origin in individual creativity, skill and talent and which have a potential for wealth and job creation through the generation and exploitation of Intellectual Property. He went further to state that cultural industries and creative industries are term used interchangeably and these industries are copyright based industries and they are directly or indirectly involve in the creation, manufacturing, production, broadcast and distribution of copyright works.

Cultural industries refer to industries which combine the creation, production and commercialization of creative contents which are intangible and cultural in nature. The contents are typically protected by copyright and they can take the form of good or a service. Cultural industries generally includes; printing, publishing and multimedia, audiovisual, advertising, architecture, art and antique market, fashion designers, film and video, software and computer service, music, phonographic and cinematographic production as well as crafts and design.

Creativity is a fundamental human resource with endless potentials, it is rooted in culture, i.e. language and thoughts, music, dressing, spiritual practices, and these are definite cultural expressions which become purveyors of creativity. When strategically organized, these activities can be grouped into businesses and industries which provide

products and services to satisfy societal needs in the areas of education, entertainment, and commerce.

In a world that is increasingly relying on creativity propelled and knowledge based economy, this will translate to enormous resource pool for boosting the economic power and national image of nations when strategically deployed.

It is clear that the cutting edge of global economic development is shifting inexorably in the directions that rely heavily on creative resources of nations. In this respect, there is need for a renewed urgency in every country to facilitate and provide a framework for the protection of the creative sectors. Intellectual property system represents one of the mechanisms which a country needs to adopt to ensure that creativity is protected and made a profitable venture.

According to a survey conducted by World Intellectual Property Organization (WIPO), on the contribution and importance of the creative industries, the result shows that this sector averagely contribute about 5.4% to national GDP and 6.2% of national employment (WIPO, PR/2007/526).

For instance, the study reported that the creative sector in Lebanon contribute 4.75% to Lebanon's Gross Domestic Product (GDP) and account for 4.49% of employment, while the same study also shows that 5.1% of Jamaica's Gross Domestic Product is from the creative sector which equates to the contribution made by mining and agricultural sector put together (WIPO, 2007).

It is against this background that the film industry in Nigeria is studied with a view in finding out the extent in which the movie sector has taken advantage of intellectual property protection in all the activities associated with the production, distribution, exploitation and generation of movies.

In so doing, the research shall endeavor to unveil theoretical and philosophical underpinnings of the various policy options for Nigeria, considering adopting an institutional policy framework for the creative sector; the objective is to provide some basis upon which Nigeria could accommodate creative industries policies. The study will also take a critical look at some of the challenges faced by the industry and proffer solutions.

#### **1.1.1 Nigeria Film Industry:**

Nigeria is the most populous country in Africa and the eighth most populous in the world with a population of over 160 million people. It is located in Western Africa, border in the Gulf of Guinea, between Benin and Cameroon, and with English as the common lingua franca. Listed among the “next eleven “economies, the Nigerian economy is one of the fastest growing in Africa and is projected to be the third largest in Africa. There are over 100 ethnic groups in Nigeria with over 400 spoken dialects and diversified cultures (World Bank).

Cinema culture in Nigeria goes back to the colonial days in which cinema complexes functioned in Nigeria’s big cities. There were hardly Nigerian components in the films shown in those cinema houses as distribution and exhibition were controlled by

foreigners. Cinema visual entertainment was complemented by the Yoruba travel theatres, the most popular among which were the Agbegijo and Alarinjo theatre groups featuring artists such as Duro Ladipo, Ishola Ogunmola, Lere Paimo, Oyin Adejobi etc in the 1950s (ngrguardiannews.com).

The state of affairs initially did not change even with the occurrence of Sindependence, in October 1960. However towards the end of the 1960s and into the 1970s Nigerian components in the films shown at cinemas especially in Southern Nigeria increased gradually as Hubert Ogunde, Moses Olaiya and Jab Adu got into the business of film making (ngrguardiannews.com).

It could be said that the history of film making in Nigeria reflects the developments in Nigerian political economy and that the incidental emergence of Nollywood is the Nigerian people's reaction to the economic downturn of the 1980s as well as to the increasing political culture of military dictatorships. The oil booms of 1973 and 1978 impacted seriously on the cinema culture in Nigeria: foreign capital flew into the industry as foreign businessmen, especially Lebanese and Indians, invested in the erection of cinema complexes and through increased social spending by the Nigerian state, a wide range of citizens had extra cash to spend on cinema houses and on home television sets. The industry thus boomed. A Lebanese producer and director made "Son of Africa" at this time. This atmosphere of cinema boom catalyzed the production of the first Nigerian film ever, Wole Soyinka's "Kongi's Harvest", directed by the black American film director, Ossie Davies and produced by Ola Bolagun, the only Nigerian

film maker with international reputation at the time (1970). Balogun blazed the trail to popular cinema in Nigeria with his Ajani Ogun as well as his collaboration with the Hubert Ogunde Theatre.

### **1.1.2 Nollywood:**

Nollywood is the name attributed to Nigeria's movie industry. By definition it is Nigeria's movie industry by Nigerian production teams for the Nigerian people. Nollywood has over the years become a world phenomenon, as its movies are being sold in Ghana, Togo, Kenya, Uganda and South Africa as well as Jamaica, USA and the UK to name a few.

Nollywood has been typically accepted to have started immediately following the success of Ken Nebue's "Living in bondage". From then on, its expansion and attendant complications are known (by fascinated parties). However, events preceding 1992 are not popular even although a few have tried to trace the history of Nollywood.

The name which had caused a bit of a protest in the earlier days, as a lot of Nigerians felt it was imported and derived from Hollywood and Bollywood (not really a bad feat as these are the two heavy weights in the movie industry internationally) and there was also that little issue of the name being coined by a foreigner, some didn't like it, but the good thing is that Nollywood as a name has moved far beyond these earlier hiccups, no-one actually thinks twice about the origin of the name today. It has become accepted that Nollywood applies to the Nigerian Movie Industry.



Today Nollywood ranks third in the movie industry after Hollywood (USA) and Bollywood (India). It has been able to hold its own despite so many deterrents, which to name a few include, expensive technical tools of the trade, inconsistent supply of electricity (which is taken for granted in almost every other country in the world), and the horrible traffic-jam conditions which can lead to extreme lateness in production times.

Nollywood movies are made on shoestring budgets ranging from \$10,000 to \$15,000 a piece spanning 7 to 10 days. This is an incredibly short jam packed production time by all standards.

What makes the industry so unique is that it is a video driven industry; the movies in the early days were produced and put straight on VHS cassettes and then released and distributed to the public for sale. Now with the new technological advancement in place they are usually on VCD's, which Nigerian refers to the movies as "home video".

## **1.2 THE RESEARCH PROBLEM:**

Developing and least developed countries are the worst hit when it comes to the issue of piracy and lack of adequate intellectual property protection. The challenges the creative industries faced in developing and least developed countries are numerous, these challenges sometimes leads to the production of low quality films and under payments of main players in the sectors (actors, actress, producers and directors).

In Nigeria, piracy constitutes a serious threat to the sustenance of the creative industries and the real impact of piracy can be evaluated from economic, social and political standpoint. The prevalent rate of copyright piracy in Nigeria was found to be around 80-

100% according to a survey conducted by the Nigeria Copyright Commission (Ford Foundation/NCC, 2008).

According to the survey, due to the high rate of piracy, stakeholders in intellectual property business are mostly affected through loss of financial benefits in their creative products, while the marketers/distributors through poor financial returns on investment in the original and finally the consuming public are affected through loss of value for money put on product that hardly serves the purpose and does not endure (Ford Foundation/NCC, 2008).

The followings are some of the identified problems:

- The problem of piracy
- Production of low quality movies
- Lack of proper enforcement
- Lack of institutional policies for the creative sector (film)
- Lack of awareness by stakeholders/government of the benefits of IP protection for the creative sector.

### **1.3 OBJECTIVES OF THE STUDY:**

The followings are the objectives of the research:

- To encourage the stakeholders in the creative industries (films) to take advantage of all the IP protection tools available.
- For the stakeholders to appreciate the importance of IP tools and how these tools can facilitate and increase incentives.
- To examine the effectiveness of Intellectual Property protection in Nigeria.

- Finally, to encourage the relevant authority to consider the formulation of an institutional policy framework for the creative sector (movie).

#### **1.4 THE RESEARCH QUESTIONS:**

- What are the challenges faced by stakeholder in terms of film production?
- What are the factors militating against IP protection in creative industries (film) in Nigeria?
- Can IP protection for the sector increase or boost economy activities in Nigeria?
- If properly harness and managed, does the creative sector has potential in reducing the employment crisis in Nigeria?
- Can institutional policies when put in place reduced the problem of piracy and the activities of infringers?

#### **1.5 JUSTIFICATION OF THE STUDY:**

This research seeks to provide a broad framework in assisting policy makers in Nigeria to appreciate the contributions of creative industries and how it has played a significant role with respect to wealth creation and employment generation.

#### **1.6 LIMITATION OF THE STUDY:**

Due to the urgency and the time frame of the research, this became a major constraint of the study.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.0 INTRODUCTION:**

The importance of creative industries cannot be overemphasized, most developed nations have taken advantage of this sector, and the sector has provided employment and has considerably increased the Gross Domestic Product (GDP) of these nations.

There has been a lot of academic and international debate on the role and functions of creative industries in the digital environment vis-à-vis its traditional role and functions in the analog environment.

Recently, world renowned creators, policy makers, creative industry leaders and all stakeholders involved in the creation, production, licensing, distribution and dissemination of creative works met in Brussels to exchange ideas and debate the future of intellectual property and creative content such as music, books, movies, and visual arts in the digital environment. The discourse has always centered on the survival and relevance of the creative sector.

This study shall therefore review relevant literatures, international proposals and decisions, academic papers and relevant policy documents to the subject matter in question whilst attempting to make a case for the need of a more efficient and effective policy framework for the industry in Nigeria.

## **2.1 GLOBAL PERSPECTIVES OF THE CREATIVE INDUSTRIES:**

In today's information economy, knowledge and creativity are fast becoming powerful engines driving economic growth. This has already had profound implication for trade and development. For advanced industrial economies, the information economy is already a leading edge from which national wealth flows and a key to improving competitiveness.

In broad terms, the quantity and quality of a country's human capital set the parameters for success. But creativity is increasingly being recognized as a key strategic asset driving economic growth as well as determining successful integration into rapidly changing global economy.

While creativity is becoming an increasingly important input into the production process of all goods and services, there is a group of activities in which it is used intensively and with a particular high degree of professional specificity, these activities are the so-called creative industries.

According to the World Bank, globally, creative industries are estimated to account for more than 7 per cent of the world's gross domestic product (GDP) and are forecast to grow on average by 10 percent a year (World Bank, 2003).

Already these industries represent a leading sector in Organization for Economic Cooperation and Development (OECD) economies, showing annual growth rate of 5 to

20 percent (EESC, 2003). In the UK, for example, creative industries generate revenues of over 110 billion pounds sterling and employ 1.3 million people (DCMS, 2003).

Several developed countries, such as Australia, Canada, Ireland, New Zealand and Sweden have also been successful in exploiting their foothold in these industries and are increasingly seeing them as a gateway to the new information economy.

Creative industries already contribute to employment generation and export expansion in some leading developing countries, but at present their wider potential is unrealized. Indeed, they are too often associated with a precarious form of job security, with low value added and limited export earnings. As a result, there is an urgent need to modernize this sector and strengthen local capacities in order to boost their contribution to income generation and hence contribute to poverty reduction.

Ongoing research by UNCTAD secretariat has emphasized the potential of these industries in developing countries. Creativity, more than labour and capital or even traditional technologies is deeply embedded in every country's cultural context. Excellence in artistic expression, abundance of talent, along with openness to new influences and experimentation, are not the privilege of rich countries. With effective nurturing, these sources of creativity can open up new opportunities for developing countries to increase their shares of world trade and to leap frog into new areas of wealth creation.

In doing so there is need to recognize the special nature of the creative economy; its intangible assets, licensing processes, entrepreneurial and management principles, forms

of regulation and significant reliance on intellectual property (IP). This will require a more strategic kind of thinking from policy makers, both nationally and internationally, than is often associated with more traditional industrial policies. This in turn will require different kinds of data collection from those currently used.

## **2.2 THE ROLE OF INTELLECTUAL PROPERTY IN THE CREATIVE INDUSTRIES:**

The creative process whether emanating from the subconscious, modeled on the pastor as an inspired act evolves from culturally specific traditions. In order to nurture and manage creativity, creators and creative enterprises-those engaged in the commercial exploitation of intellectual property based works must count on a balanced intellectual property (IP) system. The protection, distribution and dissemination of these creative expressions have contributed to the expansion of markets dedicated to the creative industries.

Modernizing and enforcing IP rights regimes is considered an important prerequisite for policy development in the new economy. The use and enforcement of copyrights, patents, trademarks, and licensing are considered a prerequisite for attracting foreign direct investment (FDI). Moreover domestic companies need to be able to access new patents quickly and cheaply. This is generally not the case in most developing countries. Facilitating access to new knowledge, through simplification of access to IP rights, is an important element of a supporting policy framework that could lead to increased

productivity through the adoption of new methods of production. An important part of market creation relates to the simplification and improvement of the regulatory business environment and improvement of the general financial environment for enterprises development. Provision of a supportive regulatory framework, including the legal infrastructure for contract enforcement is considered essential (Towse, 2002).

IP rights protection is a vital aspect of the broader challenge of building a trade and investment enabling environment and facilitating Africa's efforts to promote economic development through innovation. Protection of IP rights encourages the development of new technologies to increase agricultural and industrial production, promote domestic and foreign investment and facilitates technology transfer and trade, all of which contribute to social and economic growth.

For instances, if Africa seeks to develop globally competitive value added products, recruit investment in knowledge based industries, spur innovation and increase trade, it must build and improve its capacity to protect intellectual property rights ([www.agoa.gov/build/group/public](http://www.agoa.gov/build/group/public)).

Finally, an effective IP protection is vital to the protection of the creative sector and IP is a new conceptual framework which allows for easier transformation of creative outputs into economic goods and services, monitor the supply and demand of creative products, obtain evidence on the impact of creativity, captures creativity and innovation, perceived to be an indicator of development, and promote creativity (Gantchev, 2011).



### **2.3 WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) AND THE CREATIVE INDUSTRIES:**

Undoubtedly, the World Intellectual Property Organization (WIPO) has created treaty to encourage the protection of intellectual property around the world. The Trade-Related Aspects of Intellectual Property Rights Agreement (TRIPS) and the Berne Convention were created as a means of protection of a person's intellectual property rights around the world. Critics of both TRIPS and the Berne Convention have expressed concerns that it focuses too much on trade and protecting property rights of businesses in wealthier countries rather than ensuring intellectual protection globally. One result of this controversy that policymakers are now considering is how intellectual property rights can be utilized to assist local industries, principally creative industries (Schultz & VanGelder, 1997).

The World Intellectual Property Organization's (WIPO) usually organize international conference annually on Intellectual Property and the creative industries, the discussion normally centered on the concept and application of creativity in the creative industries, with a clear focus on the IP rights component in them and in addition offering practical insights on the use and protection of the IP system (WIPO, 2007).

The objective of these conferences and seminars is to basically highlight the integral and critical role of IP in the economic growth and development and to bring together international, regional and national private sector and government stakeholders to emphasize the successes, challenges and strategies to the establishment of strong IP

regimes that encourage innovation and entrepreneurship and improve trade and investment, while protecting rights holders and the public from the menace of pirates and counterfeiters ([www.howardhrqlawreview.org](http://www.howardhrqlawreview.org)).

Over the years, Africa has become a target for an increasing amount of counterfeit and pirated goods, from often dangerous counterfeit medicine to pirated films and music, due to the aforementioned, Africa path to economic development is impeded by the limited capacity for intellectual property protection and enforcement. It is in this milieu that there is need to continue to engage the government, stakeholders, individuals and the private sector on ways to build and improve their intellectual property rights capacity ([www.agoa.gov/build/group/public](http://www.agoa.gov/build/group/public)).

The World Intellectual Property Organization has also provided a mechanism in measuring the contribution of the creative sector in its member states which is called ‘WIPO Guide on Surveying the Economic Contribution of the Copyright Based Industries’. The first set of survey conducted was published in 2003 as a direct response to the interest for the economic contribution of copyright-based industries expressed by member states. The publication outlines a methodology for measuring the contribution of copyright activities in economic terms hence providing the basis for undertaking a comparative analysis between countries on the size of their creative sector ([www.wipo.int/ebookshop](http://www.wipo.int/ebookshop)).

The purpose of the Guide is threefold: (i) to summarize the existing experience in surveying the creative industries, which operate on the basis of copyright and related rights protection; (ii) to develop a practical instrument in the form of guidelines, recommendations and survey methods to be considered and applied when undertaking surveys on the economic contribution of a nation's creative industries; and (iii) to establish a basis for comparison of future surveys built on reliable data and common methodologies ([www.wipo.int/export/sites](http://www.wipo.int/export/sites)).

Since its publication, a number of countries have successfully used the Guide and results demonstrate the substantive economic contribution of the creative industries in terms of their share in Gross Domestic Product (GDP), generation of employment and trade. The surveys show that the creative industries represent a dynamic sector which, on average, grows faster than the rest of the economy. The practical experience from the application of the Guide is used for updating its provisions and adjusting them to country situations and specifics ([www.wipo.int/ebookshop](http://www.wipo.int/ebookshop)).

The WIPO publication, presents the results of the first five national studies on assessing the economic contribution of copyright-based industries. The studies were carried out in Canada, Hungary, Latvia, Singapore and the United States, on the basis of the methodology contained in the guide. According to WIPO, the publication is the first in the Creative Industries series and will be produced on a regular basis, presenting country reports and the studies contained in the publication will be prepared by local researchers and assisted by WIPO experts ([www.wipo.int/sme/en/document](http://www.wipo.int/sme/en/document)).

A second volume of National Studies was issued in the summer of 2008 which included the surveys conducted in the Philippines, Mexico, Jamaica, Bulgaria and Lebanon. A third volume of National Studies was published in January 2010 and included surveys in Colombia, Romania, Croatia, Russia and Ukraine. A fourth volume of National Studies was published in March 2011 and included surveys in Australia, Kenya, Malaysia, the Netherlands and Peru. A fifth volume of National Studies was published in November 2011 and included surveys in China, Finland, Pakistan, Panama, and Slovenia ([www.ip-development/en/creative\\_industry](http://www.ip-development/en/creative_industry)). So far, WIPO has conducted and published the contribution of copyright based industries in twenty (20) member states.

In conclusion, from the result of the survey carried out and published by World Intellectual Property Organization it was discovered that only one Africa country has successfully conducted a survey and has a statistical report on its copyright based industries in respect to the contribution of the creative industries. What this simply means is that most Africa countries have not fully taken advantage of the creative sector.

#### **2.4 THE ECONOMIC CONTRIBUTIONS OF THE CREATIVE INDUSTRIES:**

In recent years there has been an increase in the appreciation of the economic contribution of the creative industries. Studies carried out in different countries not only confirm this attribute but also show that the contribution is on the upward trend. In order to facilitate the capturing of key economic variables which were then used to

statistically demonstrate the economic contribution of the creative industries, "mapping" exercises were embarked on by a number of countries. Such mapping exercises provided indicators in areas relevant to policy makers in their formulation of economic and cultural policies. Of significance in these exercises are the determination of economic variables or indicators, such as revenue created, employment rates, exports, growth areas and recommendations as to what policy measures are needed to sustain and stimulate growth. Studies also demonstrate the linkages and interdependence between economic sectors. The multiplier effects generated by the creative industries confirm their status as a major contributor to economic growth. Further research will be instrumental in identifying the social, cultural and other effects produced by the creative sector on society in general.

There are some identified economy indices where the creative industries have contributed toward in most of the countries that studies were conducted. The indices will be discussed in more detail:

#### **2.4.1 Gross Domestic Product:**

While creativity is becoming an increasingly important input into the production process of all goods and services, there is a group of activities in which it is used intensively and with a particular high degree of professional specificity, these activities are the so-called creative industries.

According to the World Bank, globally, creative industries are estimated to account for more than 7 per cent of the world's gross domestic product (GDP) and are forecast to grow on average by 10 percent a year (World Bank, 2003).

The gross domestic product (GDP) is one of the primary indicators used to gauge the health of a country's economy. It represents the total value of all goods and services produce over specific time period. Measuring GDP is sometimes complicated but at its most basic, the calculation can be done in one or two ways; either by adding up what everyone earned in a year (income approach) or by adding up what everyone spent (expenditure method), logically both method should arrive at roughly the same total.

The income approach which is sometimes referred to as GDP(I), is calculated by adding up total compensation to employees, gross profits for incorporated and non incorporated firms, and taxes less any subsidies. While the expenditure method is the more common approach and is calculated by adding total consumption, investment, government spending and net exports.

As one can imagine economic production and growth what GDP represents has a large impact on nearly every one within that economy. For instance when the economy is healthy, there will be typically low unemployment and wages increases as business demand labour to meet the growing economy. A significant change in the GDP, whether up or down, usually has a significant effect on the stock market. It is not hard to understand why: a bad economy usually means lower profits for companies, which in turn means lower stock prices. Investors usually worry about negative GDP growth,

which is one factor economists use to determine whether an economy is in a recession ([www.investopedia.com/terms/g/gdp.asp](http://www.investopedia.com/terms/g/gdp.asp)).

Creative Industries refers to a range of economic activities which are concerned with the generation or exploitation of knowledge and information and are variously referred to as cultural industries (Howkins, 2001).

Creative industries have been seen to become increasingly important to economic well being of countries and proponents of creative economy suggests that human creativity is the ultimate economic resources and the industries of the 21<sup>st</sup> century will gradually begin to depend increasingly on the generation of knowledge through creativity and innovation (Florida, 2002).

According to Landry and Bianchini (1995), the economy activities that are associated with the creative sector always has a considerable impact, mostly positive effect on the gross domestic product (GDP) of countries.

The creative industries in Europe make a significant contribution to the EU economy, creating about 3 percent of the total gross domestic product (GDP) corresponding to an annual market value of five hundred billion Euros and employs about six million people and in addition the sector plays a crucial role in fostering innovation in particular for device and networks. The EU also records the second highest television viewing figures globally, producing more films than any region in the world.

In 2009 the Jamaica copyright sector alone represents 4.8 percent of the GDP and 3.03 percent of employment, while the estimate of sport and copyright sector altogether contribute 8 percent of the GDP, which was bigger than the contribution of the agricultural sector ([www.eximbankja.com/news/2009/12/23](http://www.eximbankja.com/news/2009/12/23)).

It is generally believe that the segments that is supported by government tend to do substantially better than those that are neglected, if policy makers in countries will give a considerable attention to the creative economy sector, the sector can be a significant contributor to the GDP and it is also important to note that the return on investment from the creative sector is an important factor that needs not to be overlooked by government ([www.eximbankja.com](http://www.eximbankja.com)).



### International comparison of the contribution of core copyright-based industries to GDP (%)

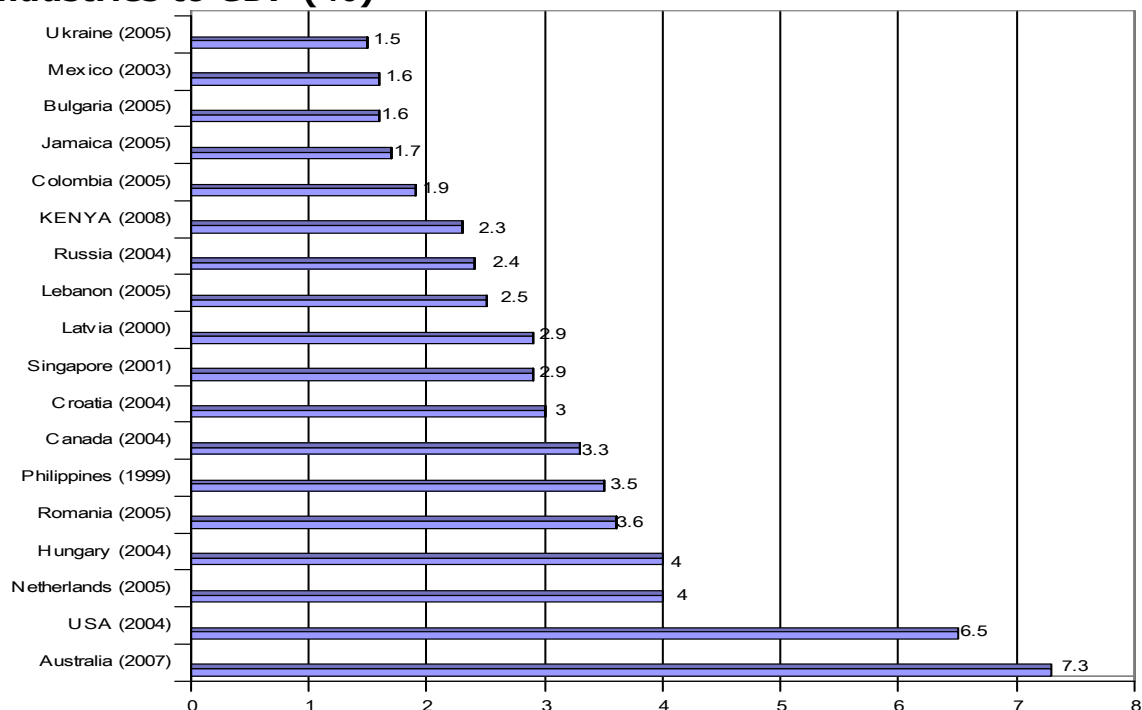


Figure 2.1 Shows the Economic Contribution of the Creative Industries on Gross Domestic Product (GDP) in Some Selected Countries.

These contributions are directly to the economy in the form of royalties and taxes and this revenue are collected from users such as broadcasting organizations, restaurants, hotels, mobile phone companies, and premium service providers. While the taxes are from performers, composers, authors, publishers, music producers and visual artists (WIPO, 2002).

#### **2.4.2 Employment:**

Creative industries are becoming increasingly important components of modern post industrial knowledge based economies. Not only are they thought to account for higher than average growth and job creation, they are also vehicles of cultural identity that play an important role in fostering cultural diversity (DCMS, 2001).

During the last decade a number of governments around the world have recognized this fact and started to develop specific policies to promote them. this mainstreaming of what was once considered a sector of marginal interest, which received limited attention from researchers, has led to a growing body of analysis, statistic and mapping exercises on the relationship between culture, creative industries and economic development to give officials in these countries the raw data they need to make policy (Howkins, 2001).

However, the sector is still poorly understood and many governments remain to be convinced of its potential, while trying to accurately measure economic activity in the sector poses considerable obstacles.

As momentum builds to priorities this field of activities within economic development policies, the demand for more precise and sophisticated cultural statistics at international, regional and national level is set to grow and governments should support and encourage initiatives in this field. The global alliance, dedicated to promoting the cultural industries, such as cinema, music, publishing and crafts, fully supports the progress of recent years to map and study this sector more closely and actively works to

advocate further research, disseminate best practices and collect published studies in this field (UNCTAD, 2008).

According to a recent research conducted by Otis in 2011, it was found out that in the next five years, there will be an increase in the number of job the creative sector will generate, and it is estimated to chunk out thirteen thousand one hundred jobs by 2015. The report of the research also state that the entertainment industry in Los Angeles account for about forty percent of the creative job employment in the region and tourism and entertainment derive their competitive advantage from the Los Angeles brand, which in turn owes its distinctiveness to the creative economy (Otis Report, 2011). The creative industry in the United States contributes about 4.14 percent of all businesses and 2.17 percent of all jobs (Dun and Bradstreet, 2011).

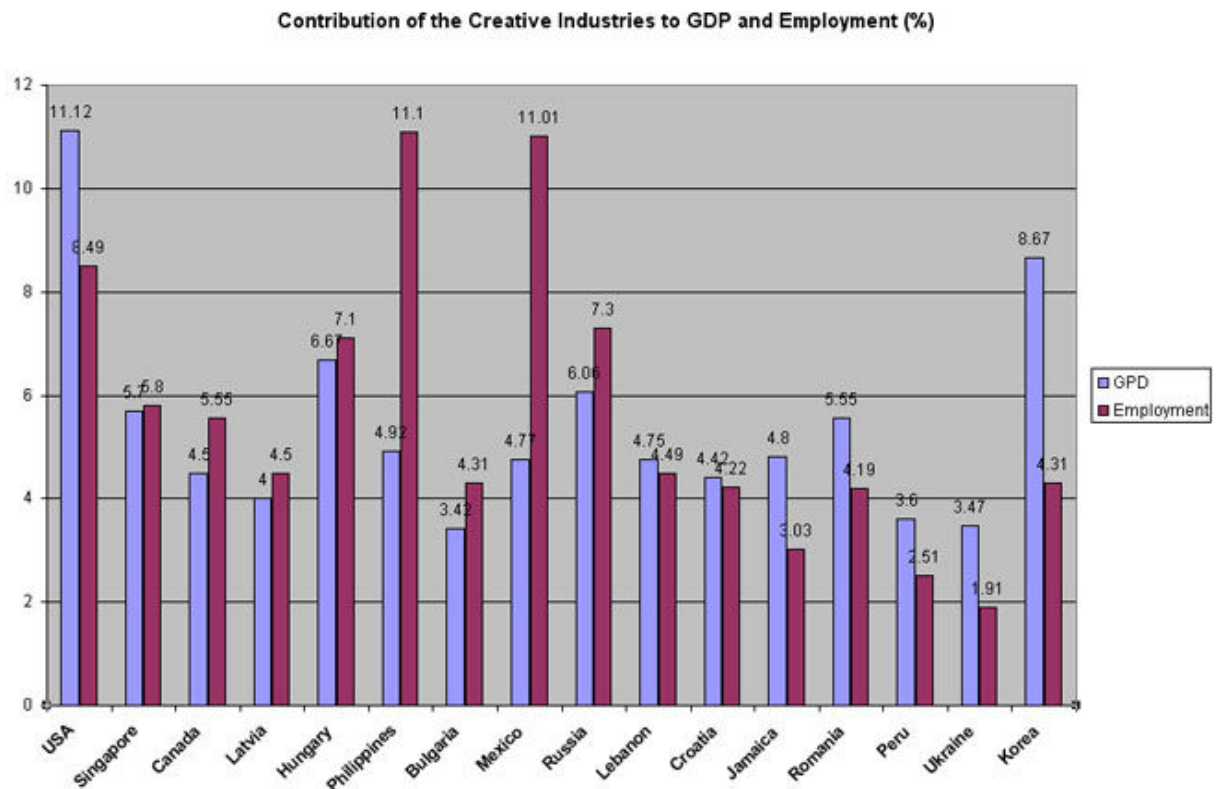


Figure 2.2 Shows the Contribution of the Creative Industries to Employment and Gross Domestic Product in Some Selected Countries.

### 2.4.3 Wealth Creation:

According to Cunningham (2009), he believes that the harnessing of creativity brings with it the potential of new wealth creation, the cultivation of local talent and the generation of creative capital, the development of new export markets, significant multiplier effect throughout the broader economy, the utilization of information communication technologies and enhanced competitiveness in an increasingly global

economy. A key driver of interest in the creative industries and development is the acknowledgement that the value of creative production resides in ideas and individual creativity and that developing country have rich cultural tradition and pools of creative talent which lay a basic foundation for creative enterprise.

Therefore, there is need to move the creative industries from just cultural expressions to economic ventures which when harnessed becomes the creative talent of individuals to build wealth. For this to be achieved there is need to know and understand market demands, embrace innovation and technologies and be bold enough to embrace change ([www.intracen.org](http://www.intracen.org)).

The impact of the global recession has emphasized more than ever the urgent need to rebuild and rebalance the economy of nations in a way that will promote sustainable economic growth. Prosperous economies are characterized by a strong creative sector and the creative industries are recognized across the world for their potential for job and wealth creation.

In recognizing the significance that the creative industries play in helping to grow a dynamic and innovative economy, resources should be budgeted to the sector to help develop the skills and capacity to grow the sector even further, because the sector has potential to contribute to economic recovery and it's already a major employer of labour (DCAL, 2011).

The creative industries are highly significant parameters for the competitive edge of a country and its quality as a business location. The creative industries are primarily about

turning the meaning and added value of creative service into something that business can utilize and see, and about creating a link between culture and creativity on one hand and business on the other.

The creative industries are where answers are found to the challenges the world is faced with in the transition from industrial society to knowledge based society of the 21<sup>st</sup> century ([www.beda.org](http://www.beda.org)).

The creative industries can provide new opportunities for developing countries to leapfrog into new areas of wealth creation. Creative industries are among the most dynamic sectors of the world trade, with high skill and value added content and strong employment linkages, particularly in small and medium size enterprises, through policy support and other forms of assistance (UNCTAD, 2004).

Developing countries should put efforts to support and strengthen these industries as a potential source of export earning, job creation and poverty alleviation mechanism. Enhancing developing countries participation in new dynamic growth opportunities in creative industries is essential in order to realize development gains from international trade (UNCTAD, 2004).

Innovative policy measures are needed to enable developing countries to diversify into dynamic, high value added products. The high level panel, with input from key stakeholders, policy makers, business representatives, artist, international organizations, non-governmental organizations, will explore the trade and development opportunities arising from these industries, share experience on best practices and suggest policy

recommendations aimed at enhancing their promotion and development (UNCTAD, 2004).

#### **2.4.4 Preservation of Culture:**

Cultural heritage is the legacy of physical artifacts and intangible attributes of a group or society that are inherited from past generations, maintained in the present and bestowed for the benefit of future generations. Cultural heritage includes tangible culture such as building, monuments, landscapes, books, works of art, while intangible cultural heritage are folklore, traditions, language, and knowledge and the deliberate act of keeping cultural heritage from the present for the future is known as preservation (Thomas, 1998).

Cultural heritage is unique and irreplaceable, which places the responsibility of preservation on the current generation. Smaller objects such as artworks and other cultural masterpieces are collected in museums and art galleries, in essence there is need to gained support in preserving cultural heritage of nations for the future and the only mechanism to be used is through the combine effort of the creative industries and intellectual property tools ([www.en.wikipedia.org/wiki/cultural\\_heritage](http://www.en.wikipedia.org/wiki/cultural_heritage)).

It is believed that each time a language or culture is lost; we lose an irreplaceable and exquisite way of being. Culture is the highest expression of what it means to be human. It is a measure of our species contribution to planetary biodiversity. Cultural preservation emphasizes the need to protect, restore, and honor all forms of cultural diversity and it's the cornerstone of a community, thus, cultural preservation recognizes

the many strands of culture; language, stories, songs, dances, sacred sites, artifact, arts and crafts, relationship to the land and subsistence ([www.reliableprosperity.net](http://www.reliableprosperity.net)).

To preserve the cultural heritage and traditions of countries, activities aimed at promoting these values should be encouraged and the values shared to the wider audiences. There is need for cooperation among people working in the field of culture, which will then lead to a better understanding of cultural heritage ([www.estlatrus.eu/upload\\_file](http://www.estlatrus.eu/upload_file)).

Culture and the creative industries are important to many nations, especially in the growing global knowledge economy. However, there are great variations in how prominent a role it takes in the various regions across the world and even within countries. There is now an awareness of the contribution culture and cultural institutions can make to both regional and national development ([pure.pascalobservatory.org](http://pure.pascalobservatory.org)).

Cultural infrastructures, cultural activities and creative industries can be a major part of a country's attractiveness and vision for its economic development. The production of content matters more and more and this often depends on the existence of a cultural environment. The growth of cultural and creative industries has been exponential in terms of job creation and their contribution to GDP. The challenges of globalization and the arrival of the digital age are providing these industries with major new opportunities to develop and can improve their hitherto largely untapped potential to create growth and jobs. There is a need for strategic investment to enable cultural and creative industries to invigorate cultural diversity, social and territorial cohesion, growth and



employment. To this end there must be adequate funding, support for culture and creative industries to develop in their local and regional environments and a move towards a creative economy by catalyzing their spillover effects on a wide range of economic and social contexts. In addition the creative sector makes a significant contribution to the development of information and communication technologies and plays a major role at local, regional and national levels ([www.europarl.europa.eu/sides](http://www.europarl.europa.eu/sides)).

Culture and creative industries are characterized by dual nature which makes them different from any other industry in an economic sense, in terms of their contribution to employment, growth and wealth creation, and primarily in cultural sense, in terms of their activities, which contribute to development and citizens' social and cultural integration. By encouraging creativity and improving the distribution and production procedure through innovation, these industries play a major role in nations in terms of promoting cultural and linguistic diversity, pluralism social and territorial cohesion and the promotion of inter cultural dialogue. In this regards, proper remuneration for the creative industry through intellectual property rights is a vital precondition for the preservation of cultural diversity.

In this context there is need for community to encourage cultural and creative industries, which is why they must adopt innovative economic models and have access to new trends of preserving cultural heritage. It is therefore necessary for governments to create a genuine policy on cultural heritage preservation and take specific measures aimed at

increasing the role of cultural and creative industries as catalyst for innovation and structural change to generate growth and employments.

## **2.5 COMPARATIVE ANALYSIS OF THE CREATIVE INDUSTRIES IN SOUTH AFRICA AND KENYA.**

### **2.5.1 South Africa:**

The creative industries have long been neglected in mainstream trade and industry policy in South Africa even though it is recognized as a significant contributor to the economies of developed economies such as Canada, the UK and Australia. In its broadest conceptualization, the creative economy in OECD countries grew at an annual rate that was more than twice that of the services industries and more than four times that of manufacturing. Estimates are that the creative industries are growing annually at 5% per annum and are likely to triple in size globally by the year 2020 (Howkins, 2001). Similar trends are found even if using a more narrowly defined creative industries, measured as value added per annum, compared to 3 percent growth for the rest of the economy while employment growth grew at a rate of 3% for the whole of the economy (DCMS, 2005).

The report of the Accelerated and Shared Growth Initiative of South Africa (ASGISA) has identified the creative industries and particularly the film sector as one of the drivers of sustainable economic opportunities and livelihoods for local communities whilst expanding business opportunities for small, medium and micro enterprise (SMMEs).

The recognition of the creative industries in the ASGISA programme is a direct result of the ongoing efforts of the Department of Arts and Culture (DAC) to remedy the neglect of this important sector from mainstream trade and industry policy. The primary starting point was the initiation of the cultural industries growth strategy (CIGS) process by the then department of arts, culture, science and technology (DACST). The final ‘creative south Africa: a strategy for realizing the potential of the cultural industries’ completed in 1998 was accompanied by four detail reports covering the film and video sector, the music sector, the craft sector and the publishing sector. These four sectors were selected for a number of reasons from their identification as industries in SA to their potentials to create employment and offer opportunities for rural and urban job creation as well as their potential in international competitiveness ([www.labour.gov.za/downloads](http://www.labour.gov.za/downloads)).

The concept of the cultural industries only found a place in global public policy in the last decade or so in South Africa; it is not surprising that there is a dearth of reliable and consistent data to assess the economic contribution of these industries or their social and developmental impact.

All the research in SA and in the rest of Africa suffers from poor availability of quantitative and qualitative data resulting in no real possibility for comparative analysis with international data. There is no single official source of data for the industries as we define them. The collection of cultural data globally is a relatively new phenomenon dating to the two world cultural reports published by UNESCO in 1998 and 2000.

The developed countries such as Australia, Canada and the UK have been particularly prolific in their collection of data. However their increased capacity to generate statistics has presented a problem of too much data. In developing countries such as South Africa it is necessary that we have data to measure not only the strength of each of the creative industry sub-sectors but the extent of cultural diversity in society. This would add weight to important arguments that need to be made by developing countries that the arts economy is a significant contributor of the country's economy. That arts and culture are important for self respect as a nation and that public sector patronage could encourage the arts and cultural sectors to contribute to economic growth (Joffe, 2003).

#### **2.5.2 Kenya:**

Creativity has recently found its niche in the Kenyan economy, as an increasing number of development programs have been focusing on this sector. According to the British Council, creative industries in Kenya have increased, from accounting to 5.3% of the country's GDP in 2005 to now 7.1% in 2011.

Many programs have been vested towards these creative industries varying from art, graphic design, film, software development and music. However, though increasing, the British Council also recognizes that having talent is not enough; for creative businesses to succeed they need to run as any other professional business, applying the same principles that other successful enterprises use.

According to British Council, for these creative businesses to thrive, there is need for the sector to have access to global markets, and the only way to achieve that successfully in the long term is by keeping leadership and ownership local, rather than relying on aid or exporting their resources to third party exploiters.

To build a strong and sustainable cultural scene in Kenya, there is a need to expand the amount of well educated and in the cultural field established people that can run organizations, take initiatives, catalyze new ideas and develop opportunities.

The Kenyans achieved this fate through the identification of two needs; (i) through consistent short term capacity building programmes for cultural entrepreneurs (ii) capacity building for upcoming and younger people getting into the field but with the need of getting more knowledge on project management and entrepreneurial skills.

Comprehensive studies have been carried out by WIPO to determine the value and contributions of the creative industries to the economy of various countries and according to WIPO currently copyright industries account for over 7 percent of the world's GDP (WIPO, 2003).

The first study to be conducted in Africa was done in Kenya in 2008 and the result of the study shows that the creative industries in Kenya have significantly contributed a total of 2.3 percent to the Kenya economy. The report indicates that the creative industries in Kenya contributed 5 percent to the gross domestic product and about 3 percent to the employment and these contributions are accrued directly to the economy

in the form of royalties and taxes. The revenues were collected from players in the creative sector (WIPO, 2003).

The film industries is one of the major contributor to the economy in Kenya and according to the Kenya Film Commission (KFC), explains that the full revolution of the film industry took place in the late 1990's and early 2000 with the coming of video cameras, recordable tapes and even the sprouting of individual producers willing to produce works of local comedians who by then were getting more fame due to the expansion of the television market. The films regulators (KFC) states that there are about 90 independent film and video producers in Kenya and that if all facilitative aspects of the industry is harnessed properly it has potential of making over 40 million Kenyan Shillings annually reason been that the industry in 2007 alone raked in about 3.5 billion Kenya shilling from a few feature movies (WIPO, 2007).

It is also important to states that all the achievement of the film industry in Kenya was through the help of an effective intellectual property system that has been put in place by the government and policy makers.

## **2.6 CHALLENGES FACED BY THE CREATIVE INDUSTRIES IN DEVELOPING COUNTRIES**

The cultural and creative industries are areas in which many developing countries enjoy some comparative advantage. The rise of digital economy and the increasing commercialization of the arts create a window of opportunities for these countries.

These industries also offer more sustainable development options than the traditional exports because the sector draws on the creativity of artist and entrepreneurs, generating higher levels of local value added. More over the sector has strong growth potential and plays a key role in the arena of identity formation ([www.policyinnovation.org/ideas/innovations/data/creative\\_cultural](http://www.policyinnovation.org/ideas/innovations/data/creative_cultural)).

The challenges that developing countries face in the creative industries differ from those they face in traditional export sectors. Despite the significant contributions and importance of the creative industries, there are some inherent challenges faced by the sector, these are discussed below:

First, intellectual property protection and commercialization are top priorities. The creative industries cannot survival in the market without adequate protection from copyright infringement. Without such protection, creative entrepreneurs would be at the mercy of piracy, bootlegging, counterfeit and others forms of infringement such as unlicensed broadcasting.

Movies are one of the easiest art form to pirate as a result of the wide diffusion of reproduction technologies, such as recordable compact disc and internet based file sharing and peer-peer formats. These technologies have helped to expand the demand for movies but have also had a negative impact on the industry.

Second, research and development (R &D) must be placed higher on the agenda. In the creative industries, research and development means investment in human and creative capital. The cultural industries start with creativity and account for large share of

investment in the sector. For example the movies industry in America spends at least 15 percent of its turnover on research and development, which is higher than in the computing, chemicals and aerospace industries. Investing in creative capabilities calls for the establishment of professional training institutions, as well as business support mechanisms for young actors and cultural entrepreneurs ([www.policyinnovations.org](http://www.policyinnovations.org)).

Thirdly, marketing and branding are crucial because audience loyalty is difficult to build and to predict. With the rise of the digital and internet economy there is a tendency to underestimate how challenging it is to introduce new genres into the world market for creative goods and services. Ultimately the issue is whether the developing countries will be able to develop the expertise, distribution infrastructure and marketing savvy to tap into the growth potential of the rising creative sector.

Fourthly, government and corporations in most developing countries have not fully appreciated the ways in which their economies can diversify and take advantage of emerging opportunities. Often the creative industries are not seriously regarded as an economic sector, and the key stakeholders are poorly organized and economic values remains largely undocumented. In this context, policy measures have typically been absent ([www.policyinnovation.org](http://www.policyinnovation.org)).

Finally, the challenge of statistics and data of the creative sector in the developing countries are non existence. It may be due to inadequate human, material and financial resource. Severe financial constraints mainly due to low priority attached to statistics by governments. This leads to other problem like staff shortages, lack of trained staff, high



staff turnover; low morale, poor remuneration, poor working conditions, under equipped offices, a general lack of direction and above all, non functioning statistical coordinating mechanism at all levels which may imply disparate and isolated statistical systems leading to a lack of comprehensive internal harmonization ([www.caricom.org](http://www.caricom.org)).

Above is an overview of challenges faced by creative industries in the developing countries which Nigeria happen to be one and of course the film industry in Nigeria is faced with the above identify challenges.

In conclusion, it is believed that if the developing countries will take advantage of the potentials of the creative sector , especially the film industry; when its government and policy makers given adequate attention by government and policy makers, the number of jobs, businesses and the wealth it would generates will go a long way in reducing the problem of poverty and unemployment and this will therefore have a positive effect on the economy of developing countries and countries in transition.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.0 INTRODUCTION:**

Methodology is undoubtedly a vital process of ensuring an empirical study. It is essential in gathering of relevant data and valuable information with the use of necessary research instruments. This chapter is very significant to the entire research project. The chapter therefore presents in detail each of the instruments that were utilized during the field work.

#### **3.1 RESEARCH DESIGN:**

For a research of this nature that requires an investigation, which the researcher wants to find satisfactory answers to some of the problems under investigation; the research design adopted for this study is the survey design method. The design will enable the researcher to collect data from samples that is considered a fair representation of the population.

The significance of this method is to provide a very clear understanding of the problem and provide solutions. The researcher decided to make use of this design because it is more appropriate and convenient for the study under consideration.

#### **3.2 POPULATION AND SAMPLING TECHNIQUES:**

The population of this study is the film industry in Nigeria which is referred to as 'Nollywood' it comprises of actors, actresses, producers, directors and

distributors/marketers. The sample size consist twenty respondents of both actors, actress, producers, directors, distributors/marketers, two management staff of both Nigerian Copyright Commission (NCC) and National Film & Video Censors Board (NFVCB). The convenient sample technique was used for the study; the technique was selected because of the limited time of the study.

### **3.3 METHOD OF DATA COLLECTION:**

The researcher used primary and secondary data to source for information. The primary data are the information obtained directly from the use of questionnaire and in-depth interview, while the secondary data are from textbooks, journals, magazine and websites (materials from the internet) for the study.

#### **3.3.1 In-depth Interview:**

The in-depth interview data was elicited from the management staff of the Nigerian Copyright Commission. The followings are the list of information elicited from the IDI; (a) rank of the official, (b) date of employment, (c) the mandate of the organization, (d) what sector does the mandate seek to regulate, (e) are the mandate achievable, (f) are there challenges confronting the organization from meeting its mandate, (g) how do the organization synergize with other agencies in carrying out its mandate, (h) do the organization collaborate with its stakeholders, (i) manpower of the organization, (j) issue of piracy, (k) issue of enforcement, (l) issue of public awareness, (m) institutional policy on IP, and (n) what can be done to improve the sector (film).

### **3.3.2 Questionnaire:**

Both ‘open ended’ and ‘closed ended’ questions were adopted by the researcher to get more information.

Open ended questions are those where the respondent is not restricted to any particular answers, they are given freedom to provide answers as widely and appropriate, while the closed ended questions on the other hand are those which respondent is required to choose from the lists of alternative answers to given questions.

A questionnaire was drawn and distributed to actors, actress, producers, director and distributors/marketers in the film industry for their responses.

### **3.4 METHOD OF DATA ANALYSIS:**

The data were analyzed through the use of software called statistical package for social science (SPSS), the SPSS presented the information's gathered from the respondents in a frequency and percentage format. The frequency gives the number of times a particular variable occurs in a set of data and the percentage gave a proportion per 100. Thus, frequency and percentage were used in order to obtain accurate number of times responses were made to questions raised in the questionnaire. While information obtained from the in-depth interview were interpreted and analyzed in a narrative form.

## CHAPTER FOUR

### DATA ANALYSIS AND INTERPRETATION

#### 4.1 Introduction:

The aim of this chapter is to present and interpret the data collected from various respondents. The researcher distributes 25 questionnaires to the research population, out of the twenty five questionnaires distributed, only twenty were returned to the researcher and the responses from these twenty questionnaires form the basis of these analyses, while the information's elicited from the in-depth interview were analyzed in a narrative form.

Table 4.1: Distribution of Respondents Age Group

Age	Number of Respondents	Percentage
21-30 years	3	15%
31-40 years	11	55%
41-50 years	5	25%
51-60 years	1	5%
60 and above	0	0%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

Table 4.1 shows that 3 respondent which represent 15% are of the age group of 21-30 years, while 11 respondents which represent 55% are of the age group 31-40 years. The age group of 41-50 years has 5 respondents which represent 25% of the total percentage. 1 respondent which represent 5% are of the age group 51-60 years. The age group of 60 years and above has no respondent and this represent 0%.

What this means is that majority of the respondent are of the age group of 31-40 years which is represented by 55% of the total respondent. From the table it can be deduce that majority of the practitioners in the film industry in Nigeria are within the age group of 31-40 years.

Table 4.2: Distribution of Educational Background of Respondents

Qualification	Number of Respondent	Percentage
Primary School Certificate	0	0%
SSCE	0	0%
OND	1	5%
HND/B.sc	15	75%
Masters	4	20%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

Table 4.2 shows that none of the respondent ends their educational pursuit at primary and secondary school level; this is seen by the 0% representation of respondents. 1 respondent which represent 5% has an OND as qualification, while HND/B.sc has 15 respondents which constitute 75 % of the total respondents. 4 respondents which represent 20% have masters' degree as qualification.

What this implies is that 4 respondents with masters' degree which represent 20% of the respondent have the highest educational qualification follow by 15 respondents with university degrees. From the table the film industry in Nigeria has educated individuals.

Table 4.3: Distribution of Work Experience of Respondents

Years	Number of Respondent	Percentage
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1-5 years	6	30%
6-10 years	7	35%
11-15 years	5	25%
16-20years	2	10%
21 and above	0	0%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

From Table 4.3, it can be seen that 6 respondents which represent 30% have been in the film industry for 1-5 years, while 7 respondents which constitute 35% of the total respondent had worked in the industry for 6-10 years. 5 respondents which represent 25% had 11-15 years experience and 2 respondents had 16-20 work experience which represents 10% of the total respondent. None of the respondent had work in the film industry for 21 years and above, this is represented with 0% of respondent.

The entire respondents are competent to answer the questionnaire because of their working experience in the film industry in Nigeria.

Table 4.4: Distribution of Respondents Occupation

Occupation	Number of Respondent	Percentage
Actor	4	20%
Actress	6	30%
Producer	5	25%
Director	3	15%
Marketer/Distributor	2	10%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

Table 4.4, shows that 4 respondent which represent 20% are actors, while 6 respondent which also represent 30% are actress. Also from the table, 5 respondents which

represent 25% are producers. 3 respondents which constitute 15% of the respondents are directors, while 2 respondents which represent 10% are marketers/distributors.

From the above table it can be said that all the components that make up a movie (actors, actress, producers, directors and marketers) were represented.

Table 4.5: Respondents Understanding of the term ‘Intellectual Property’.

Term ‘IP’	Number of respondent	Percentage
Creation of the mind	15	75%
Landed property	0	0%
Ownership of a work	4	20%
Government agency	1	5%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

From Table 4.5, 15 respondents which represent 75% of the total number response agree that the term IP means the creation of the mind, while 4 respondents which represent 20% are of the view that the term means ownership of a work. 1 respondent which represent 5%, understood the term to mean a government agency. None of the respondents accept the term to mean landed property which represents 0%.

What this simple implies is that majority of the respondent have a clear understanding of what intellectual property means with over 75% of the total respondents agreeing the term to mean the creation of the mind.

Table 4.6: Intellectual Property Tool that Protects the Film Industry in Nigeria



IP Tools	Number of respondent	Percentage
Patents	0	0%
Trademark	0	0%
Copyright & related rights	20	100%
Industrial design	0	0%
Geographical indication	0	0%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

Table 4.6, shows that 20 respondents which represent 100% states that the IP tool that protects the industry in Nigeria is copyright and related rights, while the other IP tools (patents, trademark, industrial design and geographical indications) have 0% representation.

The implication of the above is that the practitioners in the film industry have a better understanding on what copyright and related rights protects.

Table 4.7: Major Financiers of the Film Industry in Nigeria

Financiers	Number of respondent	Percentage
Government	0	0%
Financial institutions	0	0%
Private individuals	20	100%
Others specify	0	0%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

From Table 4.7, all the 20 respondents which constitute 100% are of the view that the only major financiers of the film industry in Nigeria are basically private individuals. Other organization like financial institutions and government don't contribute in financing the industry. What this then means is that the film industry in Nigeria is only propel by individuals.

Table 4.8: Problems Encountered by Practitioners in the Film Industry in Nigeria.

Problems	Number of respondent	Percentage
Lack of government support	2	10%
Unprofessionalism	0	0%
Lack of modern equipment	3	15%
Piracy	6	30%
Lack of funds	9	45%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

Table 4.8 shows that 2 respondent which represent 10% are of the view that the problem of the film industry is the lack of government support, while 3 respondents which represent 15% believes that it is the lack of modern equipment that practitioners are battling with. 6 respondents which constitute 30% attribute the problem to piracy. Majority of the respondents that's 9 which represent 45% are of the opinion that the practitioner's major problem in the industry is the lack of funds.

Table 4.9: Present Level of Government Assistance to the Film Industry in Nigeria.

Level	Number of Respondent	Percentage
Excellent	0	0%
Very good	2	10%
Good	5	25%
Poor	12	60%
Very poor	1	5%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

From Table 4.10, none among the respondents believes that the present level of government assistance in the industry is excellent; this can be seen by the 0% representation. 2 respondents which represent 10% believe that the current government assistance to the industry is very good, while 5 respondents which amount to 25% says

government assistance to the industry is just good. 60% of the responses which constitute the majority with 12 respondents are of the view that government assistance to the film industry is poor and only 1 respondent which represent 5% is of the opinion that the assistance from government is very poor.

Table 4.10: Ways Government should intervene in the Film Industry in Nigeria.

Ways	Number of respondent	Percentage
Through funding	2	10%
Policy implementation	2	10%
Partnering with stakeholders	1	5%
Stringent laws & regulations	2	10%
All of the above	13	65%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

From Table 4.9, it can be seen that 2 respondents which represent 10% are of the view that the only way government can intervene in the film industry is through proper funding. 2 other respondent which also represent 10% states that government should formulate and implement policies for the industry, while another 2 respondent which constitute 10% believes that government should introduce stringent laws and regulations for the film industry. 13 respondents which represent 65% and by implication the majority, are of the opinion that government should intervene in all the above options.

Table 4.11: Challenges Militating Against the Film Industry in Nigeria.

Challenges	Number of Respondent	Percentage
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Lack of government support	2	10%
Infringement of works	6	30%
Lack of professionalism	2	10%
Lack of funds	5	25%
All of the above	5	25%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

Table 4.11, shows that 2 respondent which represent 10% agrees that the challenge militating against the film industry is that of lack of support from government to the industry. 30 % which constitute 6 respondents believes that the major challenge is that of infringement of works by pirates, while 2 respondents which represent 10% trace the challenge to lack of professionals in the industry. 25% which represent 5 respondents' states that lack of funds is the challenge the industry is faced with. Another 5 respondents which constitute 25% are of the view that all the above options are militating against the film industry.

Table 4.12: Ways in Reducing the Challenges Faced by the Film Industry in Nigeria.

Ways	Number of Respondent	Percentage
Government legislation	6	30%
Provision of funds	2	10%
Provision of modern equipment and infrastructure	3	15%
All of the above	9	45%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

From Table 4.12, 6 respondents which represent 30% believe that the only way to reduced some of the challenges faced by the film industry in Nigeria is through legislation by the government for the industry. 2 respondents which represent 10% are of the view that it is only the provision of adequate funds that will help in reducing some

these challenges, while another 3 respondent which constitute 15% prefer the provision of modern equipment and infrastructure to the sector would drastically reduce the identify challenge. 9 respondents which constitute 45% and are the majority reasoned that all the above options; government legislation, provision of funds and provision of modern equipment and infrastructure are critical to the sustenance of the film industry in Nigeria.

Table 4.13: Whether the use of IP Protection can boost the Film Industry in Nigeria.

Variables	Number of respondent	Percentage
Agreed	19	95%
Disagree	1	5%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

Table 4.13, shows that 19 respondents which constitute 95% agreed that the use IP protection would boost the industry, while 1 respondent which represent 5% disagree with the use of IP protection.

What this implies is that majority of the respondents are of the view that the use of intellectual property protection is critical for the sector and when put into use would boost the film industry.

Table 4.14: Whether the Film Industry can generate more Revenue to the Government if adequately harnessed and managed.

Variables	Number of respondent	Percentage
Yes	20	100%
No	0	0%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

Table 4.14 presents the views of respondents on whether the film industry can generate revenue to the government if adequately harnessed and managed. The table indicates that the respondents were unanimous in their views; the 20 respondents which represent 100% agreed that if the industry is properly managed it will surely generate revenue for government.

Table 4.15: Factors that Contribute to the Production of Low Quality Films in Nigeria.

Factors	Number of respondent	Percentage
Lack of funds	11	55%
High cost of originals	2	10%
Get rich quick syndrome	3	15%
Lack of modern equipment and quality control	4	20%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

Table 4.15 attempt to identify the factors that contribute to the production of low quality films, the table shows that 11 respondents which constitute 55% attribute the production of low quality films to lack of funds. 2 or 10% of the respondents attribute the production of low quality film to high cost of originals, while 3 respondents which represent 15% believes that it's the get rich quick syndrome that is responsible for low quality films. 20% of the respondents are of the opinion that it is the lack of modern equipment and proper quality control that is responsible for the production of low quality films in Nigeria.

Table 4.16: Role the Film Industry can play if properly managed in Nigeria.

Roles	Number of respondent	Percentage
Generate wealth	3	15%
Create employment	4	20%
Increase GDP and Boost the image of Nigeria	3	15%
All of the above	10	50%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

Table 4.16 present the views of respondents on the role the film industry can play if properly managed in Nigeria. The table indicates that 3 or 15% are of the view that if the industry is adequately managed it can generate wealth, while 4 respondents which represent 20% states that the sector can create employment for teeming youth of the country. Another 3 or 15% of the respondents believes that if the industry is managed well, it can increase the gross domestic product and boost the image of Nigeria. 10 or 50% of the respondents who constitutes majority agreed that the film industry can generate wealth, create employment and increase the GDP and boost the image of the country.

Table 4.17: Distribution of the Impact of Piracy on the Film Industry.

Impact	Number of respondent	Percentage
Discouraged actors	11	55%
Production of low quality films & kills the industry	4	20%
Discouraged investment in the industry	2	10%
All of the above	3	15%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

Table 4.17 presents the respondents views on the impact of piracy on the film industry. Out of the 20 respondents covered in the study, 11 or 55% indicated that piracy leads to the discouragement of actors and actresses, 4 or 20% said it leads to the production of low quality film and tends to kill the industry. 2 or 10% of respondents are of the view that piracy discourages adequate investment, while 3 respondents which represent 15% believe that all the above options are the effects of piracy on the industry.

Table 4.18: Distribution of Mechanism if put in place that will assist the Film Industry in Nigeria.

Variables	Number of respondent	Percentage
Stiffer laws and IP policy	13	65%
Funding and modern equipment	5	25%
All of the above	2	10%
Total	20	100

Source: Daniels (2012) Primary Data via Questionnaire

Table 4.18 shows the distribution of respondent's suggestions on the mechanisms that need to be put in place for the film industry in Nigeria. Of all the suggestions made, stiffer laws and IP policy seem to be the most prominent accounting for 13 or 65% of the total respondents. 5 respondents which represent 25% favoured adequate funding of the film industry and provision of modern equipment to the industry, while 2 respondents which constitute 10% believes that there is need for both stiffer laws, IP policy, funding and the provision of modern equipment for the sector.



#### **4.2 In-depth Interview with official of NCC**

The In-depth interview was conducted with an Assistant Director of Nigerian Copyright Commission to provide the researcher with all information's that will be needed for the study. The Assistance Director had worked for eighteen years in the Nigerian Copyright Commission; he joined the Commission in 1994.

According to the AD, the mandate of the Commission includes administration, enforcement and regulation of copyright activities in Nigeria and the works protected under the Copyright Act includes literary works, musical works, artistic works, cinematograph films, sound recordings, and broadcasts. He went further to say that the Commission had being carrying out the mandate given to it with vigour and determination.

In the area of manpower, the AD is of the view that the staff strength is not enough compared with the enormous responsibilities the Commission is saddled with, in respect to copyright matters and the inadequate manpower is one of the challenges confronting the commission.

That the Commission has a cordial working relation with other sister enforcement agencies especially the Nigerian Police and the Nigerian Customs Service. The Police do provide backup for all the Commission enforcement actions, while the Customs provide useful information on importation of IP materials/products.

The Commission also collaborate with respective stakeholders, that the relationship between the two parties are cordial. Stakeholder does support all the enforcement activities of the Commission through provision of information and logistics.

According to the AD, the major challenge the commission is faced with is that of piracy, that piracy constitutes a serious threat to the sustenance of the creative industries. He went further to say that the commission has, over the years, evolved various strategies to combat the activities of pirates. For instance the Strategic Action against Piracy (STRAP) is an initiative of the Commission to fight piracy and the cardinal objective of the initiative is to galvanize all relevant sectors of the Nigeria public towards waging a total war against piracy and other intellectual property abuses.

Because of the activities of pirates, the commission enforcement action has also increased tremendously. The enforcement component of the Commission entails intensified enforcement activities, through inspection and anti piracy raids, arrest and seizure, prosecution and the provision of mechanism for alternative dispute resolution.

In the area of public enlightenment, he believes that there is adequate awareness, that the Commission has a public enlightenment component, which involves in embarking on a sustained and aggressive anti-piracy public enlightenment programme using a multi media approach; electronic, print and outdoor awareness campaigns.

When asked if there is a specific IP policy in the country, the AD said he is not aware of such, even if there is a policy on intellectual property he doesn't have knowledge of it.

The AD advocate for stiffer laws that are protective to the film industry, and also an intensified enforcement action that is sustainable and that stakeholder in the film industry should be educated about the importance of IP protection.



## **CHAPTER FIVE**

### **5.0 SUMMARY, CONCLUSION AND RECOMMENDATION**

#### **5.1 SUMMARY:**

From the researchers findings, it was discovered that majority of the practitioners in the film industry are within the age group of 31-40 years and are very educated.

The researcher also found out that that most of the practitioners in the industry have a better understanding of intellectual property and the IP tool that protect the film sector. The practitioners believe that the use of intellectual property protection will surely boost the industry and generate revenue to the government.

It was found out that the film industry in Nigeria is propelled only by private individuals and government does not provide support, funding and assistance to the sector and the present level of government involvement in the industry is poor. Practitioners have advocated for government intervention in the following ways; (a) through funding, (b) policy implementation, (c) partnering with stakeholders and (d) the provision of modern equipment.

The researcher discovered that the major challenge the film industry in Nigeria is faced with is (a) the lack of adequate funds (b) lack of government support and assistance (c) piracy.

Piracy affects the industry in three key areas namely; discourages actors and actress, discourages investors from investing in the industry and encourages the production of

low quality films. The AD collaborate this when he says that the major constraint the commission is facing is that of piracy and that it constitute a serious threat to the sustenance of the creative industry in the country.

A large percentage of the practitioners in the film industry are of the view that if the industry is properly harnessed and managed it would provide employment, generate wealth, boost the image of the country and increased the gross domestic product of Nigeria.

It was discovered that Nigerian Copyright Commission is the agency saddle with the responsibility of regulating all copyright matters and works protected under the Copyright Act includes; literary works, musical works, artistic works, cinematograph films, sound recordings and broadcasts.

The Commission has cordial working relations with other enforcement agencies like the Nigeria Police and the Customs Service. The police provides backup for all enforcement actions carried out by the Commission, while the Customs provides information on importation of all IP products and the cordial relationship also extent to the stakeholders who provide information and logistics to the Commission.

There is high awareness of the activities of the commission due to the public enlightenment component of the commission which involves embarking on a sustained and aggressive anti-piracy public enlightenment programmes using both electronic and print media.

The researcher found out that the commission enforcement component is geared towards intensifying enforcement activities, through inspections and anti-piracy raids; arrest and seizures; prosecution; and provision of mechanism for alternative dispute resolution.

## 5.2 CONCLUSION:

The conclusion to draw is that despite the success of the film industry over the years in projecting the Nigeria culture and indeed the African continent to the world and also in showcasing Nigeria and African culture from the perspective of an African, which has tremendously impacted on the economy, culture and society of many regions beyond West Africa, the industry is still grappling with divers challenges as enumerated in the findings.

The study reveals the lukewarm attitude of the government to the sector; the government has not shown interest nor supports the industry. From the findings, the industry is basically being propelled and driven by private individuals and this has led to the lack of huge investment from investors to the industry. The activities of pirates has also not help matters, piracy constitutes a major threat to the sustenance of the film industry in Nigerian today.

It is believe that if government put its act together and show concern and interest in the sector by formulating an institutional policy framework, provides modern equipment and infrastructure and the provision of stringent laws and regulations that would serves

as deterrence to infringers, the industry at the other end when properly managed should be able to provide, employment to the teeming youths in Nigeria, creates wealth, boost the image of the country and increased the gross domestic product of Nigeria.

### 5.3 RECOMMENDATIONS:

Based on the findings, the following recommendations are made for the improvement of the film industry in Nigeria.

The powers of the Nigeria Copyright Commission being the agency saddle with the responsibility of administering and regulating copyright matters be strengthened and also be empowered to more easily destroy pirated works with a view to discouraging pirates and the penalty and fines should be reviewed upward as a sufficient deterrence to piracy.

Government should provide an institutional policy framework, infrastructure and modern equipment for the film industry in Nigeria.

Government should improve the access to finance, credit and business support services for emerging investor in the industry.

Government and stakeholders should promote intense public education and enlightenment on copyright piracy and its consequences to the economy, culture and national ethos. This measure will help to bridge the gap between knowledge, attitude and practice.



Enforce anti-piracy laws, protect copyrights and establish public awareness campaigns.

Expand the linkages between the cultural industries, the tourism sector and the wider economy.

Law enforcement agencies should be equipped and strengthened to administer, popularize enforce the copyright law in which the film industry will benefit tremendously.

Collaboration in the fight against piracy should be pursued with vigour. Stakeholder should participate in the design, implementation and enforcement of programmes to combat piracy.

Concrete steps should be taken by right owners, producer's marketers and distributors to ensure that original works are made available to the consuming public and are affordable.

Rights owners association should be involved in advocacy programmes and should engage in more pro-active campaigns against copyright infringement.

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## LIST OF APPENDICES

Appendix A- Introduction Letter (Africa University)

Appendix B- Questionnaire

Appendix C- In-depth Interview (Proforma)



## INSTITUTE OF PEACE LEADERSHIP AND GOVERNANCE

P.O. BOX 1320, MUTARE, ZIMBABWE - TEL.: (263-20) 66788/60075/60026/61611 - FAX: (263-20) 66788/61785 - E-MAIL: [iplgsec@africa.ac.zw](mailto:iplgsec@africa.ac.zw)

09 December 2011

TO WHOM IT MAY CONCERN

**Re: Permission to Undertake Research for Project at Africa University**

DANIELS Caleb **Registration Number** R118137MP is a student at Africa University. He is enrolled in the Masters in Intellectual Property degree in the Institute of Peace, Leadership and Governance. Mr. DANIELS is currently conducting research for his project, which is required for the completion of his program in June 2012. The research topic is ***"The Role of IP Protection on the Cultural Industries in Africa with reference to the Movie Industries. (A Case Study of the Nigeria Movie Industry-Nollywood)"***. Mr DANIELS is expected to undertake this research during the period January 2012 to May 2012 for submission to the Institute in June 2012.

The student will share with you the results of this research after its approval by the Institute.

We thank you for your support and cooperation regarding this research.

Yours sincerely,

Dr P Machakanja  
Interim IPLG Director

**(1) Age:**

- (a) 21-30years
- (b) 31-40years
- (c) 41-50years
- (d) 51-60years
- (e) 60 and above

**(2) Educational Qualification:**

- (a) Primary School Certificate
- (b) SSCE
- (c) OND
- (d) HND/BSC
- (e) Masters

**(3) Work Experience in the film sector:**

- (a) 1-5years
- (b) 6-10years
- (c) 11-15years
- (d) 16-20years
- (e) 21 and above

**(4) Occupation:**

- (a) Actor
- (b) Actress
- (c) Producer
- (d) Director
- (e) Marketer/distributor



**(5) Religion:**

- (a) Christianity
- (b) Islam
- (c) Traditional Africa religion
- (d) Buddhists

**(6) Geo-political zone:**

- (a) North-west
- (b) North-east
- (c) South-west
- (d) South-east
- (e) North central
- (f) South- south

**(7) In your opinion, what do you understand by the term 'Intellectual Property'?**-----

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**(8) Which among the following intellectual property tools protect the film industry?**

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- (a) Patents
- (b) Trademark
- (c) Copyrights and related rights
- (d) Industrial design
- (e) Geographical indication

**(8) Who are the major financiers of the film industry in Nigeria?**

- (a) Government
- (b) Financial institutions
- (c) Private individuals
- (d) Others specify-----

**(10)What are the problems usually encountered by practitioners in the film industry in Nigeria? -----**

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**(11)In what ways do you think government should assist the film industry in Nigeria?**

- (a) Funding
- (b) Policy implementation
- (c) Partnering with stakeholders
- (d) Stringent laws and regulation
- (e) All of the above

**(12) How would you rate the level of government assistance to the film industry in Nigeria?**

- (a) Excellent
- (b) Very good
- (c) Good
- (d)Poor
- (e)Very poor

**(13)What are the challenges militating against the film industry in Nigeria?-----**

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**(14)What in your opinion can be done to either stop or reduce the identified problems-----**

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**(15)What are the factors militating against intellectual property protection in Nigeria? -----**

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**(16) Do you agree that with the use of intellectual property protection, it can boost the film industry in Nigeria?**

(a) Agreed

(b) Disagree

**(17) If the film industry is adequately harnessed and managed, can it generate much revenue to the government?**

(a) Yes

(b) No

**(18) What are the factors that contribute to the production of low quality films in Nigeria?-----**

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**(19) In your view, what role can the film industry play in Nigeria if properly managed?-----**

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**(20) What are the impact of piracy to the film industry in Nigeria?-----**

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**(21) What kind of mechanism in your view should be put in place to assist the film industry in Nigeria?-----**

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## PROPOSED QUESTIONS ON IN-DEPTH INTERVIEW

- POSITION/RANK OF THE OFFICER
- DATE OF EMPLOYMENT
- WHAT ARE THE MANDATE OF THE ORGANISATION
- WHAT SECTOR OF THE ECONOMY DOES THE MANDATE SEEK TO REGULATE
- ARE THE MANDATE ACHIEVABLE
- ARE THERE CHALLENGES CONFRONTING THE ORGANISATION FROM MEETING ITS MANDATE
- HOW DO THE ORGANISATION SYNERGIZE WITH OTHER AGENCIES IN CARRYING OUT ITS MANDATE
- HOW DO THE ORGANISATION COLLABORATE WITH ITS STAKEHOLDERS
- ISSUE OF MAN POWER
- ISSUE OF PIRACY
- ISSUE OF ENFORCEMENT
- ISSUE OF PUBLIC AWARENESS
- ARE THERE INSTITUTIONAL POLICY ON IP IN NIGERIA
- WHAT CAN BE DONE TO IMPROVE THE SECTOR (FILM)