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Mr. John Asein, Director General
Nigerian Copyright Commission

Mr. Mike Akpan, Director
National Copyright Institute, NCC

By email: johnasein@gmail.com, info@copyright.gov.ng

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Comments on Copyright Bill 2021 (Executive Bill)

Dear Mr. Asein, Mr. Akpan.

EIFL (Electronic Information for Libraries) appreciates the opportunity to comment on the Copyright Bill 2021 (Executive Bill).

EIFL supports the objectives of the Bill to protect the rights of authors, and to provide for appropriate limitations and exceptions to ensure access to creative works.

Overall, we believe the Bill successfully addresses these objectives.

The COVID-19 pandemic has highlighted the importance of appropriate exceptions to enable online access to digital resources, as libraries quickly shifted their operations online to provide vital support for education, research and local communities. In general, countries with clear exceptions that support digital and the use of new technologies, including through flexible provisions, were better equipped to support libraries, education and learning in responding to the challenges of lockdowns.

Additionally, balanced limitations and exceptions enhance the credibility of the copyright system in the eyes of the general public, and lead to greater compliance with the copyright laws. Especially in the digital age, effective copyright protection relies more on voluntary compliance than legal enforcement. People are more likely to comply with a copyright system they believe is fair to all stakeholders, including new creators and users as well as established artists and international multimedia corporations.

We support the exceptions to copyright set forth in Part II of the Bill. These exceptions are consistent with Nigeria's international treaty obligations and are comparable to exceptions contained in the copyright laws of countries that produce many copyrighted works, including the United States, Canada, the United Kingdom, the EU Member States, and Singapore.

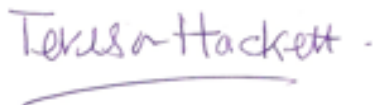
Nonetheless, we wish to raise two technical points.

While we welcome an exception for the making of copies accessible to people with visual impairments, this provision is narrower than that required by the WIPO Marrakesh Treaty for persons with print disabilities. However, we appreciate that the Marrakesh provision, section 26, does not prejudice section 20(1)(n), which permits a “use for the benefit of people with disability and of a non-commercial nature, to the extent required by the specific disability.”

On Technological Protection Measures, (TPMs), can one import a TPM circumvention technology for a lawful use? While Section 50(1) makes clear that the act of circumvention is permitted to exercise an exception, section 50(2) does not seem to allow the importation of a device that allows such lawful circumvention. We suggest that section 50(2) be clarified to permit the “trafficking” in TPM technology necessary to engage in lawful circumvention.

We hope that the new copyright law will be robust and resilient in serving the people of Nigeria now and into the future. In particular, we look forward to implementation of the Marrakesh Treaty to improve the lives of people with print disabilities.

Please do not hesitate to contact us if you have any questions.



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