

Exploring Copyright Challenges of Digital Marketing in Nollywood Using “*Omoni Oboli TV*”

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Abstract

The quest to regulate filmmaking processes emanate from the premise that without copyright restrictions, operational chaos is inevitable. This is worsened by the evolving digital preference for speedy film production and distribution processes without recourse to the ethical implications of such to the national image, economy and the creative artists involved. The paucity of detailed researches on the effects of digital marketing to the copyright adherence processes in Nollywood’s digitally-based film-selling companies necessitates this study. This explains why the study focuses on Omoni Oboli Tv (a YouTube-based platform), to assess the challenges facing copyright compliance in a country with grossly limited digitally-inclined intellectual property protection processes. This study seeks to raise awareness regarding the persistent copyright infringement cases involving the Omoni Oboli Tv with the view of sensitising the appropriate regulatory authorities and practitioners on the dangers of not rejuvenating the Nigerian Copyright Act to reflect the existing realities of digitalized film marketing. This qualitative study adopts thematic interpretation to assess the infringement patterns identified in Omoni Oboli Tv. The study discovers that the analogue Nigerian Copyright Act limits the overwhelmed regulatory agencies thereby making them almost redundant in a digital era. The study recommends an urgent review of the Copyright Act in Nigeria to accommodate modern digital realities in a bid to reposition Nigeria’s international business image. Finally, there is an urgent need to revamp the existing Copyright Act to reflect to smoothen the ease of doing professional business while increasing the internally generated revenue for government.

Introduction

Nollywood, has experienced remarkable growth, establishing itself as a significant player in the global cinematic landscape. It is one of the largest film producers in the world, following India's Bollywood, surpassing Hollywood in terms of the number of films produced annually. This is justified by the fact that “UNESCO has recommended Nigeria's ‘Nollywood Model’ as one can that can help other African countries to build fully home-grown, self-sustaining commercial industries” (Kouletakis et al., 2023). The industry's rapid expansion underscores its pivotal role in Nigeria's economy and cultural expression. The rise of digital marketing significantly reshaped Nollywood; offering filmmakers new ways to reach audiences globally. This is further upheld by the submission that “Nollywood grossed over ₦3.5 billion year-to-date in 2024, marking a 125 per cent surge compared to the same period last year” (Onyekwelu, 1). This shows great progress compared to the previous years. However, with this innovation comes the persistent challenge of copyright protection. Digital platforms, while expanding market access, have also increased the risks of piracy, unauthorised distribution, and content theft. Despite Nigeria's copyright laws, the reality remains that digital piracy undermines the profitability and sustainability of many Nollywood productions.

Oguche states that: “unregulated digital platforms have facilitated the illegal distribution of Nollywood films, leading to significant revenue losses” (78). Streaming services and social media, initially designed to boost engagement, have instead become channels for copyright violations. Many films have been leaked on free movie sites within days of their official release, thereby reducing their commercial value as well as discouraging investors and filmmakers who rely on box office sales or streaming revenue to fund future projects. Moreover, digital marketing strategies often expose Nollywood films to content misappropriation. Smith argues that: “when promotional clips and teasers are widely shared, they are sometimes repurposed or used without permission, leading to financial losses (112). The lack of strict licensing agreements complicates the issue, as many filmmakers unknowingly relinquish control over their content in exchange for visibility on global platforms. But, despite these challenges, there are potential solutions to protect Nollywood films from digital piracy. Schmitz suggests that block-chain technology and digital rights management systems could provide filmmakers with better control over content distribution (163). Additionally, stricter penalties for copyright infringement and increased collaboration between filmmakers and regulatory bodies such as the Nigerian Film and Video Censors Board (NFVCB) could strengthen enforcement. Public awareness campaigns also play a crucial role in educating audiences on the importance of legally consuming Nollywood films through the legitimate means.

2.1 History and Policy of Copyright Law in Nigeria

The concept of copyright protection in Nigeria dates back to the colonial era when British copyright laws were applied to the country. Before independence, Nigeria operated under the *English Copyright Act of 1911*, which was extended to British colonies, including Nigeria. However, as the Nigerian creative industry grew, there was a need for a distinct legal framework tailored to the country’s unique cultural and economic realities. The first indigenous copyright law in Nigeria was the *Copyright Act of 1970*, which established a foundation for intellectual property rights protection in the country. This act was later repealed and replaced by the *Copyright Act of 1988*, which was designed to address emerging challenges in the entertainment industry, including Nollywood, which was beginning to experience rapid growth. The 1988 Act was further amended in 1992 and eventually codified as *Copyright Act, Cap C28, Laws of the Federation of Nigeria 2004*, which remains the primary legal instrument governing copyright protection in Nigeria today.

The *Copyright Act, Cap C28, Laws of the Federation of Nigeria 2004* defines the categories of works eligible for copyright protection, including literary, musical, artistic, cinematographic, and broadcast works. “It grants the creator exclusive rights to reproduce, distribute, adapt, and publicly perform their work, ensuring that only the original owner or an authorised party can monetise the creative output” (9).

The law provides that literary, musical, and artistic works are protected for the lifetime of the creator plus 70 years, cinematographic films and sound recordings are protected for 50 years from the date of first

publication, authors and creators have the right to claim authorship and object to any modification or distortion of their work that could harm their reputation, creators can transfer their rights through licensing agreements, allowing third parties to use their works legally, the Act provides for certain exceptions where copyrighted works can be used without permission, such as for educational, research, and critical review purposes.

Copyright Policy and Enforcement Mechanisms

The Nigerian Copyright Commission (NCC) serves as the primary regulatory body responsible for enforcing copyright laws in Nigeria. It was established under the Copyright (Amendment) Act 1992 and has the mandate to promote, protect, and enforce copyright rights. The NCC conducts anti-piracy raids, educates stakeholders, and prosecutes offenders involved in copyright infringement. However, enforcement remains a significant challenge due to the high rate of digital piracy, especially in Nollywood, where movies are illegally copied and distributed online. Ojedokun observes that, “the rapid expansion of social media has outpaced copyright regulations, making enforcement difficult and often ineffective” (123). This is further clarified by the submission that “with the proliferation of e-books, online publishing, and digital content, the Act does not adequately address the complex issues surrounding digital rights, licensing, and digital piracy” (Oladokun, Ndubisi-Okoh and Okoche, 2024).

Another major challenge is weak judicial processes that delay legal actions against copyright violators as well as limited public awareness about copyright laws and the importance of respecting intellectual property rights.

Digital Piracy and Unauthorised Distribution

With the advent of digital platforms such as YouTube, Netflix, and other streaming services, Nollywood films have gained broader accessibility but are also more vulnerable to intellectual property theft. The case of *Omoni Oboli Tv*'s right to host its new movie, which was temporarily removed from YouTube due to a copyright claim, exemplifies how digital piracy can disrupt the distribution and revenue flow of films. Such incidents illustrate the complexities of digital content ownership, where multiple contributors may assert rights over a project. The case aligns with Boyle's argument that: “copyright disputes in the digital era often emerge from unclear authorship and fair use interpretations” (72). While *Omoni Oboli*, the film's producer and director, had legal ownership of the movie, the claim suggested that certain elements within the production possibly visual or musical content were used without proper licensing. This reflects McLeod's assertion that: “digital platforms enable broader access to creative works but simultaneously expose content to heightened scrutiny and legal challenges” (119). Given the global accessibility of YouTube, legal claims can originate from any part of the world, making Nollywood films more susceptible to international copyright disputes. While platforms like YouTube provide filmmakers with global exposure, they also expose them to legal risks and content ownership disputes which Nigeria does not strictly punish to deter

future offenders. This premise simply reaffirms the fact that digital piracy and copyright claims can impact Nollywood's evolving film distribution strategies. Corroborating this view, Lessig opines that "digital technology has dramatically altered the way creative works are copied and distributed, making it harder to regulate unauthorised use" (142). Nollywood, as a largely informal industry with weak copyright enforcement structures, faces significant challenges in combating digital piracy.

Weak Enforcement of Copyright Laws

Nigeria's copyright laws are designed to protect intellectual property, yet weak enforcement continues to undermine the rights of content creators, particularly in Nollywood. Despite the existence of the Copyright Act, piracy remains rampant, largely due to a lack of stringent enforcement mechanisms and regulatory inefficiencies. The cases of *Love in Every Word* and *Okafor's Law*, being films by Omoni Oboli, exemplify how Nollywood films remain vulnerable to copyright infringements in direct and subtle manners.

Nigeria's Copyright Act is meant to regulate intellectual property rights, but its enforcement remains inadequate. Okafor argues that: "copyright laws in Nigeria exist more on paper than in practice" (72). This is evident in the widespread piracy that plagues Nollywood, where films are often illegally distributed online within hours of their official release. While laws prohibit such actions, offenders rarely face legal consequences, creating an environment where intellectual property theft thrives. The failure to impose strict penalties emboldens pirates, making it difficult for filmmakers to profit from their work. Oboli's case highlights how even digital distribution is not immune to copyright violations, as unauthorised use of content can still result in financial and reputational damage.

The digital age has exacerbated copyright challenges, making enforcement even more complex. According to Ebewo, "with the rise of digital platforms, Nollywood struggled to regulate content distribution and combat piracy" (89). The decentralisation of content through streaming services and social media platforms has made it easier for unauthorised copies of films to circulate freely. This reflects in how digital piracy has evolved beyond illegal DVD sales to online content reproduction, which remains difficult to track and control. The inability of the regulatory bodies to fix this persistent malaise partly explains why Iyanda notes that: "the Nigerian Copyright Commission has limited capacity to prosecute offenders, leading to continued violations without fear of punishment" (103). This institutional weakness allows piracy to flourish, affecting Nollywood's revenue and discouraging filmmakers from investing in high-quality productions. This is because the nature of digitalized movie marketing "propels us toward a copyright system where humans play a surprisingly marginal role, highlighting the need for a re-evaluation of copyright's underlying assumptions in the face of technological advancements" (Ojeih and Ogidan, 20). If left unchecked, this lack of enforcement will also affect international perceptions of Nollywood's credibility. When copyright violations go unchecked, investors and distributors become hesitant to engage with the industry, fearing

financial losses. Scholars like Ojedokun argue that: “Nollywood’s growth is hindered by the inability to protect creative works, making it less attractive for international partnerships” (117). This affects not only filmmakers but also Nigeria’s reputation in the global entertainment industry since arts constitutes part of tools for cultural diplomacy. “Combating digital piracy should be a significant focus for governments, organizations and creators. It requires an efficient framework that combats the challenges faced by digital piracy”(Ibe and Udeoji, 116). Further corroborating this view Ebewo points out, “filmmakers must now take a more proactive approach in safeguarding their content, leveraging digital rights management and watermarking techniques to reduce instances of misappropriation” (95). This implies that Nigeria needs a more robust means of enforcing its Copyright Laws. This entails considering more vibrant Collective Management Organizations (CMOs) that has to be an intermediary between the original creators of the property and all strata of possible users. This is because “They provide a vital link between creators and users of copyrighted works, ensuring that creators receive fair compensation for the use of their works” (Ola and Majekolagbe, 5).

Examining Copyright Challenges of digitally Marketed Nollywood Film titled *Love in Every Word and Okafor’s Law*

Copyright implementation issues are trending globally today because “artistic works, literary works, performance and broadcasting are also gaining substantial value in the labour market, as such, it will be highly unreasonable to ignore the socio-legal issues that emanates from them” (Aina-Pelemo, Bassey and Akpojaro, 410). The challenges of copyright have been an issue manifesting since the Nigerian film industry boom in the early 1990s but just got worse in the past decade. “This is because such issues cheat the creators and the economy, while also stifling creativity as it affects the incentives given to authors and creators to boost further creativity,” (Awomolo-Enujiugha, 413). This reaffirms the opinion that “Operating Nollywood in an environment with weak copyright enforcement puts creators at best at a ‘first-mover’ advantage before infringing copies of their work flood the market limiting the economic exploitation of their creations.” (Onyeagbako, 1). While few selected analogue cases were treated without serious implications, the digital revolution of internet-based marketing and other related issues expedites the pace of identifying, sanctioning offenders as well as settling similar cases within and out of courts in recent times.

The veracity of this claim manifests in an older copyright controversy involving the same *Omoni Oboli Tv* in a 2019 movie titled *Okafor’s Law*.



Fig1: YouTube trailer for the movie Okafor's Law showing twelve thousand viewers

The quest for seriously tackling all shades of perceived piracy is because “the average income per film appears to be a mere break-even for most low budget film producers. This poor return has been attributed to film piracy. The industry produces well over 2,500 movies annually, but piracy, it is believed, takes a larger chunk of the expected profits due to filmmakers” (Iwuh et al., 29). The criteria for securing the copyright of a creative work is that it must have been expressed in a tangible medium like published text, recorded films or painting, etc. This explains why it would be difficult to establish the ownership of a creative work which still exists as an idea. Elaborating on this Quadri argues that “any registration with the NFVCB would only be in relation to censorship for completed films only as NFVCB only deals with completed works”(5).

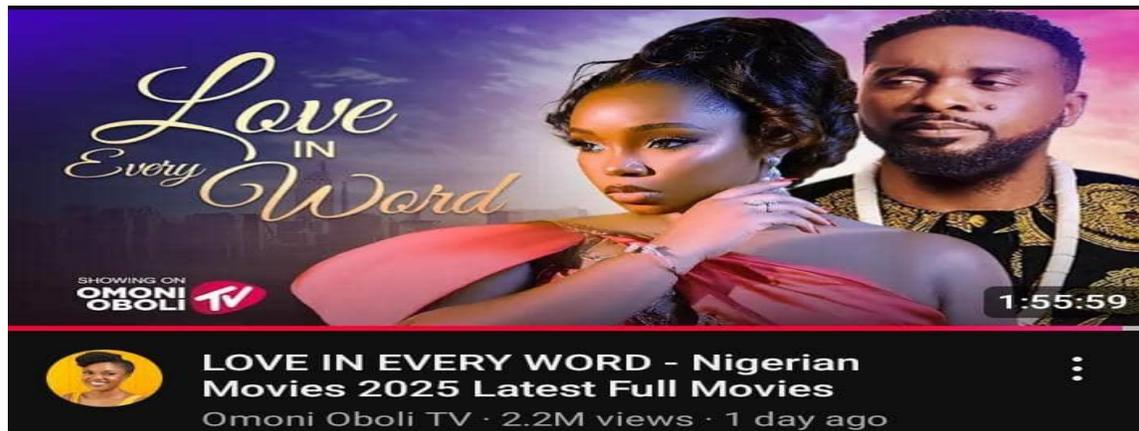


Fig2: YawNaija TV captures the disruption of the movie premiere for Oboli's Okafor's Law

This view is necessitated by the fact that both Omoni Oboli contended the copyright of a film which neither of them had actually registered as a movie. They both locally and internationally registered the ideas of the screenplay which was not the real movie itself. This raises the issue of how clear are the terms of the Copyright Law in Nigeria.

Another typical example of copyright challenges of a digitally marketed Nollywood films is in the movie *Love in Every Word* as recently produced by Omoni Oboli on her YouTube platform *Omoni Oboli Tv* on the 8th of March 2025. Within the first day of its launch, the movie garnered over two million viewers.

Fig 3: YouTube Trailer showing over two million streamers within the first day of movie launch



The online patronage grew to over seven million in the first three days of its official launch. This exceptional trend of movie marketing drew both local and international reactions as reviews manifested on virtually all social media platforms. This growth reaffirms the opinion of Babaleye and Adekunle that celebrates “a new era of Nigerian filmmaking demonstrating what could be achieved with few resources and lowering barriers to entry for many talented filmmakers” (23). But this trend was badly challenged by a copyright claim of one Chinonso Obiorah whose alleged claim was that his creative works were partly used in the film without either his official or personal consent. This aligns with the Copyright laws of Nigeria which argues that piracy “could be analogue, digital, amongst others. The concept of piracy, an actionable offence under the Nigerian Copyright Act, is concerned with both the reproduction of physical replicas and the virtual reproduction of copyrighted material” (Itanyi). He petitioned YouTube and the Platform suspended the movie’s streaming rights pending the outcome of the investigation of the claims.

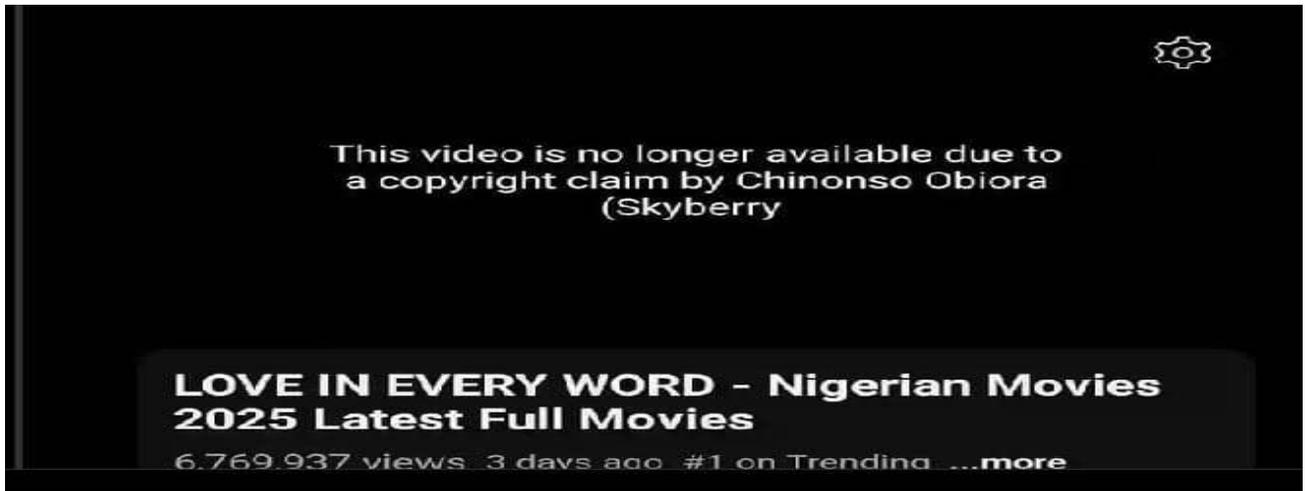


Fig.4 Shows YouTube suspending the movie due to copyright infringement claim by Mr. Obiorah

When YouTube suspended the movie, from all indications an amicable out-of-court reconciliation was reached that favoured all the parties involved. This is the only possible reasons for the speedy restoration of the movie after the first twenty-fours of suspension by YouTube. This could be substantiated by the fact that the Producer herself took to her official handle to notify her teeming supporters of the restoration of viewing access to the movie.



Fig.5: Omoni Oboli celebrating the restoration of the movie streaming by YouTube

A closer look at the whole incident reveals that few hours after this announcement, YouTube lifted the suspension and restored the streaming rights of the movie. This recent development showed a tremendous increase in the number of viewers who streamed the film.



Fig 6: Omoni oboli Tv shows over eight million viewers after fifth day of movie launch

This development shows that while fast-tracking rate of sales, digital marketing helps in the process of creating high level of guaranteed copyright protection in Nigerian film space by exposure of the slightest form of copyright infringement.

All these are worsened by Omoni Oboli’s online threat to sue Ghanaian Television stations that broadcast her films without her consent. Such actions violate international copyright laws and deserve to be seriously investigated with the view of adequately punishing the offenders.

Conclusion

The study concludes that the existing pattern of weakly enforcing the Nigerian Copyright act is affecting the level of compliance from movie producers like Omoni Oboli Tv who are digitally selling their movies from Nigeria to virtually all parts of the world. Also, the fact that the existing Copyright Act in Nigeria is redundant about aligning with the digital revolution in film production and marketing further worsens the already precarious situation. Finally, the inability of the federal government of Nigeria to enforce strong disciplinary actions against copyright offenders further emboldens more infringement in and on the country’s creative industry. Despite the aforementioned factors, the success of Nigerian Copyright Act could still be guaranteed when the relevant agencies become intentionally dedicated towards sensitizing the stakeholders on the full dangers of copyright infringement to the creative sector of the economy as well as the overall business image of the country. Finally, there should be concerted efforts to upgrade the modus of implementing the Nigerian Copyright Act to reflect and address the peculiarities of this digital piracy in modern times.

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