

Video Film Piracy in Nigeria: Interfacing to Integrate the Pirate

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Abstract

One of the worst nightmares of the arts is piracy. It is a single variable that has dealt a serious blow on the development of the arts including the video film industry in Nigeria. Measures, predominantly legislation and enforcement have been taken to up-root the canker worm to no avail. This work examines existing measures for curbing piracy, how to strengthen them and seeks the possibility of integrating and making the pirate part and working for the system. It recommends the adoption of market segmentation policy in integrating the pirate, emphasises the run of video films in cinemas, halls etc before they go into the market and calls for a better synergy between producers and marketers among others.

Key words: Identification, Interface, Integration, Market Segmentation

Introduction

There exist driving forces behind involvement in any and different endeavours. They are readily within the realms of economics, sociology, psychology etc. The video film medium has provided a wide range of opportunities and many individuals, who indulge in it, do so for various reasons and drives. Some see it as a veritable platform to express themselves, others view it as an avenue to eke out a living, while others see it as a pedestal for association. Others involved do so for its capacity to relief tensions and create excitement. Still, others remain at the periphery, illegitimately tapping from and destroying it.

The first film is said to have been exhibited in Nigeria in August 1903 in the Glover Memorial Hall, Lagos (Anyanwu 92). Thereafter, the interest continued in a small scale till the popular Yoruba and other films emerged, with Eddie Ugboma, Ola Balogun, Rufus Omotehinse, Francis Oladele, Jab Adu and others making their own statements and expressing themselves (Balogun 55-72). The overwhelming interest in film today, particularly the

video film, follows the success of an experiment carried out some years ago. Owire Ovoke captures it thus:

The Nollywood era began with the exploits of Kenneth Nnebue who in 1992 wanted to dispose a large stock of blank videocassettes he had bought from Taiwan. He realized that they would sell better with something recorded on them, so he shot a film called "*Living in Bondage*", produced by Okechukwu 'Paulo' Ogunjiofor and directed by Vic Mordi, The film sold more than 750,000 copies (127).

Kenneth Eni traces it also to 1992 when the first home video was produced and 1994 when *Glamour Girls* hit the scene (106-107). Barclays Ayakoroma puts it succinctly thus: "The commercial success of *Living in Bondage* was an impetus for other artisans and peripheral businessmen, who joined to jumpstart what has become an industry". He goes further to state that Nollywood as it is fondly called, is an industry that is believed to have generated, about a decade ago, over N55 billion (Fifty-five Billion Naira) and provided jobs for more than 300,000 Nigerians and it is rated as the third most lucrative film industry in the world (21-22).

Utoh-Ezeajugh seems to share in the above assertion, opining that:

In tracing the origin of Nigerian film Industry, scholars such as Femi Shaka, Barclays Ayakoroma, Hyginus Ekwuazi, Jonathan Hynes and Onokome Okome, have located Kenneth Nnebue's *Living in Bondage* as the film that gave the impetus to what has become a multi-million Naira business (65).

Concerning the sphere of influence, she avers that the medium has become very popular not just in Nigeria but with the international and multi-cultural

mix of audiences, marketed and consumed all over Africa with cable networks equally broadcasting them (65).

With such a robust outlay one would expect the producers and other personnel involved in the industry to beam with smiles, even in their sleep; out of fulfilment. But the reverse is actually the case. One very disturbing factor responsible for nightmares in the industry is piracy.

Piracy, especially digital piracy can loosely be regarded as unlawful and unauthorized copying and distribution of already copyrighted works like music, movies, television programmes etc in a manner that is detrimental to the interest of the creative artistes and legitimate right owners (jaguda.com). It is the theft of one's intellectual property, especially in the entertainment industry (Osanyintuyi).

The canker worm called piracy is said to have stunted the growth and development of the video film industry, ripping off many producers, artists, marketers and stakeholders. It has prevented the industry from rapid financial growth. Seven years ago, it was estimated that about N4.2 billion was lost annually to illegal digital duplication, on-line piracy and unauthorized rental of video works in the country (Osanyintuyi). Waziri quoting Emmanuel Ijewere indicates that authors and producers in the entertainment industry have been impoverished in the last 20 years; losing over N81 billion due to counterfeiting and piracy. This development has created apathy on the part of artistes and producers. They are discouraged because their efforts will only enrich pirates while they (producers) remain in depravity. Pirates end up usurping the Nigerian filmmakers' profits at the end of the distribution chain. This is accomplished through replicating and distributing films within days of the release. Piracy makes up about 82 per cent of the Nigerian market. They exploit distributors' and producers' ignorance about market supply and demand (Leu).

The episodes presented above are basically bird-eye's view of the effects of piracy. When examined closely and in detail, one would come across gory experiences and would come to a conclusion that piracy is daylight robbery. He would be propelled to desire to drive the problem to the home of remedies. Everyone is affected, one way or the other, because the society is weaved in a chain-like structure. Indeed it is necessary to curb if not eradicate piracy.

Several efforts have been initiated in the line of remedies. Artistes have gone on hunger strike to draw attention to piracy, producers and marketers have assume sole distributorship of their works, the government has made anti-piracy laws and constituted agencies like the Nigerian Copyright Commission (NCC) to enforce these laws, among others. In spite of all these measures, pirates still thrive and their nefarious business continues. This work examines existing measures for curbing piracy, how to strengthen them and seeks for ways of integrating the pirate into the system; to get him to work for the industry.

Treatment

The work adopted and was designed to follow the survey approach. As such, a questionnaire was designed and structured queries also produced. These were to function in conjunction with observation. Though Calabar is not the hub for piracy activities, it records bits and pieces of these activities especially with the interest generated by the annual Carnival Calabar and it also consumes pirated products. The city was chosen for the study. A total of one hundred (100) questionnaires were distributed to video shop owners, other individuals and students. The distribution concentrated on Etim Edem Motor Park, Ika Ika Oqua Market, Akim Market, Mbukpa Market, Watt Market Motor Park, Main Campus University of Calabar and some other individuals. Eighty-seven (87) questionnaires were retrieved and used for the work. The interviewees were basically video shop owners and operators including Damian Chukwuemeka, Victor Etim, Kenneth Charles, Ubong Etukudo, Dodeye Samuel and Austin Achoakawa.

The respondents were identified as being involved one way or the other in the industry. They were approached and an agreement on confidential handling of the information elicited, reached. Information sought among others include where they obtain their products, the prices, if they can differentiate between pirated and original products, if customers do complain about the standard of the products, why they think piracy thrives, are there measures to bring the pirate to work for the system, what motivates people into piracy, what loopholes are there in the industry, what measures need strengthening to stave off piracy.

The study was carried out with the following as guides and objectives:

1. To determine the unit cost of a pirated video film and appurtenant expenses as a premise for the adoption of market segmentation policy by marketers.

2. To understand why piracy is thriving in spite of legislation against it and the attendant enforcement.
3. To determine possible loopholes in the industry which pirates explore and exploit.
4. To determine existing effective measures which can be emphasised and encouraged.

It was discovered that 94.25% (82) of the respondents are aware of piracy but only 79.31% (69) are fully aware of the dangers of piracy. When requested to indicate possible motivating factors for involvement in piracy and a ranking from highest to lowest, the responses went thus:

Table 1	
Tick the possible reasons why people are involved in piracy; from the highest to the lowest	
<input type="checkbox"/>	Profit/ Greed 89.65% (78)
<input type="checkbox"/>	Unemployment 82.76% (72)
<input type="checkbox"/>	Gaps left by producers 68.96% (60)
<input type="checkbox"/>	Poor distribution network 75.86% (66)
<input type="checkbox"/>	No technological device to check piracy 72.41% (63)

Source: Fieldwork 2015

When the respondents were asked to indicate the possible reasons why piracy still thrives in spite of legislation and enforcement, the bulk of them routed for bribery, lack of information, unemployment and loopholes. On the effective ways of tackling piracy, the respondents supported the idea of integrating the pirate, legislation and enforcement, enlightenment campaigns and government involvement.

Information gathered indicates that pirates spend about N85.30 to produce a movie on video compact disc (VCD), The cost is spread thus:

Table 2	
1 st	VCD
N K	
Purchase of empty CD	
30.00	
Burning, fuel etc	
4.00	
Printing on the CD	
4.00	
CD Jacket	
7.00	
2 nd	VCD
N K	
Purchase of empty CD	
30.00	
Burning, fuel etc	
4.00	
Printing on the CD	
4.00	
CD Jacket	
Nil	

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Packaging 1.00 Transportation <u>0.30</u> <u>46.30</u>	Packaging 1.00 Transportation <u>Nil</u> <u>39.00</u> Grand total - N85.30
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Source: Fieldwork 2015

An original version is produced at N80.00 or thereabout for the two CDs. It is handed over to the Marketer at N100.00. He makes it available to the Retailers at N110.00. But pirates prefer working with DVDs because of the possibility it grants them to compress 3 to 5 movies into one disc and sell at a price far higher than the cost price of N46.30. Marketers on the other hand, prefer VCDs for segmentation of the movies for more profits.

Demian Chukwuemeka in an oral interview indicated that distribution of video films is a problem. He wishes to see anti-piracy soft wares readily used in the industry. He informed that if there is a very strong bond between Producers and Marketers, pirates will lose out. Dodeye Samuel believes that most producers do not know the market, an opinion echoed by many of the interviewees, they only rely on the marketers and whatever they are told about the market. Thus the market and marketers control them instead of them controlling the market and what transpires therein. Screening of films before it gets to the market in CDs is an option many of the interviewees think can help curb piracy.

From the interaction, it is discovered that there are problems in the area of distribution of video films. It confirms the assertion made by Dike that distribution of video films has been reduced to mere hawking (125). Producers and marketers seem to have little knowledge of the market environment. This is because they have not taken the pains to have market surveys or research. Legislation and enforcement have not really deterred pirates from their activities because there are still loopholes they can exploit and remain in their comfort zones. It does seem possible to some extent to adopt the market segmentation policy to woo the pirates out of their cocoons; to work for the industry instead of working against it.

Conclusion/Recommendations

The video film industry in Nigeria no doubt has provided a veritable platform for us to tell our stories. Any phenomenon or action that militates against it, is advocating for a removal of our humble selves from the global space we have projected and placed ourselves, perhaps to throw us into the dark. Such should be resisted. In spite of its imperfections, the video film industry has provided a pedestal for self expression and exhibition of our cultures. It is proper to let it live. Piracy should be tackled and eradicated or reduced to the barest minimum to enable the industry to grow. The growth of the industry marks not only the upliftment of the individual artistes who eke out a living from it, but also the socio-economic and cultural excellence attained by the nation. Video film contents edify, educate and enrich the nation's human capital. Consequently, the following recommendations based on the study are made:

- That marketers should employ the policy of market segmentation. Agulana and Madu say that it is a strategy of reaching heterogeneous markets composed of customers with certain characteristics of a demographic or behavioural nature in common (73). As such, marketers should identify and integrate pirates by offering them at a price different from that in the open market or to others. This will enable them cover their cost and make profits. There is no sense in producing 50,000 copies of a movie and only 10,000 copies are sold but the market is flooded by that same movie. If the marketer sells the 40,000 copies at a price slightly above the unit cost presented earlier, he would have covered his cost and made profits; even though the margin will not be the same with that from the open market. It is better to toe this line than have the 40,000 copies already paid for and produced, waste away in the store. If this measure is adopted, the pirate would have been taken away from his hide and seek, game of brinkmanship and anxiety of being caught and dealt with by the enforcement agents. The producer and marketers would have been provided chances of making profits from their investments. Above all, the viewers would have been given value for their money because any video film they buy is likely an original.
- That marketers and producers must seek to understand the market environment they are operating in. Sabal lays emphasis on film production education because of its values and exposition of the technicalities and intricacies of the endeavour (3). They should necessarily control the market not vice versa. With the knowledge of the market, they will be better placed to make effective use of

the marketing mix, which is always available and at the disposal of the marketer.

- That marketers should strengthen their distribution outlets. Pirates often take advantage of films poorly distributed, especially when they are in demand. The idea of releasing films into the market at the different outlets, at the same time, should be encouraged. Robert Kolker indicates that even in the United States of America (USA), piracy issues have altered the distribution pattern of films. Instead of releasing the films first in the country and then slowly around the world, they are released internationally (2).
- That the notion of presenting films at cinemas, halls etc before they are released in video format is a cogent measure to curb piracy. It should be also encouraged. Producers should not be in a rush to sell after post production. Commenting on this, Ugor points out that it is a measure to beat the increasing threat of piracy and the lethargy of government towards the industry (75). It is reported that when Kunle Afolayan experimented with this measure in one of his productions, he realized N30 million during the eight weeks the theatrical run lasted (Leu).
- That the use of anti-piracy soft wares is significant. In the course of the study it was revealed that when it was employed by the producer of the film *Ije*, released 2010, pirates could not hack into it for some years. It was in 2014 ending that they succeeded. Before this time, the producer had covered the cost and made profits. The retail price of the film even rose to N800.00. Two anti-piracy soft wares are suggested for this purpose: Truscont DVD Copy Protection and CINAVIA anti-piracy. These soft wares help encode the CDs and DVDs into formats that are non copy able.
- It would appear awkward but it might be useful if marketers also see themselves as pirates and operate as such. Pirates seem to work harder than the producers and marketers. They offer credit facilities but producers do not. If the marketers operate as pirates; one set of their production will follow the normal route while the other follows the pattern set by the pirates.
- There should be a synergy between the producers and the marketers. They should forge stronger bonds and do away with mutual distrust. They should realize and rise up to fight their common enemy; the pirate.
- The sale and use of empty CDs and DVDs should be regulated. It should be placed on an exclusive list and sold only to accredited sound, music, video establishments and educational institutions. If

the CDs and DVDs are not readily available and cheap, pirates would find it difficult to pirate other people's video films. If at all they do, the cost will be high and would defeat the essence. Eventually, they may drop the vocation.

- The mandate of the Nigerian Copyright Commission (NCC) should be expanded. They should not only enforce by going to the open market to inspect, confiscate and destroy pirated works. Some of those caught in the open market may be innocent and ignorant citizens who bought the products not knowing they are pirated. While the Censors Board examines the contents of the video films, the NCC should regulate the industry following each rung of the production chain; from post production to sale and consumption

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