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The Media and Respect for Intellectual Property in Nigeria: Trends, Implications and New Perspectives

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Abstract:- This study examines the trends, implications, and new perspectives on the media's role in promoting respect for intellectual property (IP) in Nigeria. Although the media has been recognized as a significant force in influencing public opinion and upholding cultural norms in Nigeria, its influence regarding intellectual property rights has received little attention. Due to a combination of cultural, technological, and economic variables, intellectual property infringement in Nigeria persists despite established legal frameworks. The study utilised regulation theory. Despite the media's limited engagement with intellectual property concerns, the study contends that the media can play a significant role in encouraging respect for IP rights. Further, the study identified the challenges the media face in promoting respect for intellectual property, which include piracy, lack of media's attention to intellectual property concerns, and lack of effective enforcement of intellectual property laws in Nigeria, as well as highlighted the negative effects of disregarding intellectual property rights, which could result to monetary losses, stifled innovation, and revenue losses, amongst others. The study emphasizes the necessity of a more all-encompassing strategy that includes law reform, public education, and strategic media use, amongst others.

Keywords: Media, Intellectual Property, Trends, Implications, New Perspectives

Introduction

The media, as a powerful vehicle for communication and information transmission, has a significant impact on society views towards different issues, including intellectual property (IP) rights (Walsh, 2021). Respect for intellectual property is a sensitive issue in Nigeria, where the media landscape has changed dramatically as a result of the emergence of digital technologies. According to Dratler-Jr (2024), intellectual property rights, such as copyrights, patents, and trademarks, are intended to protect authors' inventions and ensure they are recognized and compensated for their work. Despite the legal frameworks in existence, intellectual property infringement is widespread in Nigeria, owing to a mix of cultural, economic, and technological factors.

Historically, intellectual property in Nigeria has encountered difficulties due to a lack of knowledge and enforcement. Kuruk (2020) observed that Nigerian society, like many other developing nations, has a deeply ingrained culture of community sharing and imitation, which frequently clashes with the more individualistic nature of intellectual property regulations. Media platforms, both traditional and digital, have been essential to ongoing discussions concerning intellectual property rights protection and violation, as they are frequently the major channels through which infringements occur. From music piracy to unauthorized reproduction of films and books, the Nigerian media has seen widespread violation of intellectual property rights, causing significant losses for producers and the creative industries (Kuruk, 2020).

The growth of the internet and digital media has exacerbated the problem, making it easier to access and distribute copyright information without necessary authorization. The growth of streaming platforms, social media, and file-sharing websites has provided viewers with unprecedented access to content, frequently without payment or recognition to the original producers (Savelyev, 2018). In Nigeria, where access to digital information is frequently regarded as a right rather than a privilege, the distinction between legal and illegal media consumption has become increasingly blurred. The ease with which intellectual property can be copied and distributed online has made enforcement difficult, aggravating the issues that intellectual property holders confront.

However, growing opinions point to the need for a more comprehensive understanding of intellectual property in Nigeria. According to Ubertazzi (2022), the strict application of Western intellectual property laws may not be totally appropriate for a society with a long history of communal sharing and oral culture. Instead, he advocates a more flexible strategy that strikes a balance between protecting creators' rights and the reality of Nigeria's socioeconomic context. This could include changing intellectual property laws to better reflect the digital age and Nigeria's unique cultural dynamics.

Furthermore, the media's role in shaping public perceptions of intellectual property cannot be underestimated. The media, through its numerous channels, has the ability to educate the public on the value of intellectual property rights and the penalties of infringement. Positive media campaigns, films, and educational programs can serve to promote awareness about the importance of intellectual property and its contribution to economic progress. As Nigeria modernizes its media infrastructure, there is a potential to use these channels to promote intellectual property rights.

According to Olubiyi et al. (2022), the subject of intellectual property in Nigeria is complex, influenced by cultural, economic, and technological considerations. While the media has played an important part in propagating intellectual property infringements, it also has the power to promote respect for these rights. To address the difficulties of intellectual property in Nigeria, a comprehensive approach will be required, including legal reform, public education, and the strategic use of media to build a culture of respect for artists and their work. As new perspectives emerge, there is hope that Nigeria might strike a balance between preserving intellectual property and adapting to its specific cultural setting.

Statement of the Problem

The media plays a significant role in shaping public opinion and promoting cultural values in Nigeria (Uzuegbunam & Omenugha, 2018). However, the media has also been identified as a major contributor to the widespread disregard for intellectual property (IP) rights

in the country. The lack of respect for intellectual property rights is evident in the widespread piracy of copyrighted materials, including music, movies, and literary works, as well as the lack of adequate protection for traditional knowledge and cultural expressions.

The implications of this problem are far-reaching and have significant consequences for the creative sector, the economy, and society as a whole. The financial losses resulting from piracy and the lack of protection for IP rights can be substantial and may discourage creators and entrepreneurs from investing in the creative sector. Furthermore, the lack of respect for intellectual property rights can also have broader social and economic implications, including the stifling of innovation and entrepreneurship, and the loss of revenue that could be generated from the creative sector (Parr, 2018).

The need to address this problem is pressing. There is a growing recognition that intellectual property rights are essential for promoting innovation, creativity, and economic development. However, there is a lack of understanding about the media's role in promoting respect for intellectual property rights in Nigeria. This study aims to fill this knowledge gap by investigating the trends, implications, and new perspectives on the media's role in promoting respect for intellectual property in Nigeria. The findings of this study will contribute to a better understanding of the issue and inform strategies for promoting respect for IP rights in Nigeria.

Theoretical Framework

This work is anchored on Regulation Theory.

Regulation Theory, developed in the 1970s by French scholars such as Michel Aglietta and Robert Boyer, is a framework that examines how legal, economic, and social regulations govern various sectors, including media. The theory focuses on how state and non-state actors create rules and norms to regulate economic activities and societal behavior to maintain stability. It argues that societies need control mechanisms to manage tensions between capital, labor, and state institutions, often taking the form of laws, policies, or informal norms (Aglietta, 2000).

In the media context, Regulation Theory helps analyze how governments and media industries manage information flow, protect intellectual property, and enforce content standards. The theory asserts that effective regulations are crucial to safeguard the interests of creators and consumers alike. Proper regulation ensures that creators are compensated fairly and the public has access to cultural goods. However, over-regulation can limit freedom of expression, while under-regulation can lead to piracy and undermine the value of creative industries (Ellison, 2018).

In Nigeria, Regulation Theory is relevant for understanding the dynamics between media institutions and intellectual property rights. The country's media landscape, including Nollywood and its music industry, has faced challenges with piracy and weak copyright enforcement (Nwankwo, 2018). The theory can elucidate how Nigerian policymakers and media entities have tried to balance protecting local creators with ensuring public access to media. Despite recent efforts like the Nigerian Copyright Act, enforcement remains inconsistent, reflecting the need for improved regulatory measures (Ayoola, 2022). The rise of digital platforms has exacerbated the tension between traditional media regulations and emerging digital media practices in Nigeria. Regulation Theory provides a framework to analyze this gap, highlighting how existing laws struggle to keep pace with technological advances and global media trends. Effective regulatory frameworks are essential to address these challenges, as weak enforcement leads to significant financial losses and undermines the sustainability of Nigeria's media industries. Updated and adaptive regulations are necessary to balance the rights of creators with public access, ensuring a fair and viable media environment in the digital age (Tan, 2018).

Conceptual Review

Intellectual Property (IP)

The term "intellectual property" (IP) describes mental works of creativity and literature, inventions, names, symbols, images, and designs that are used in commerce (Gaikwad et al., 2020). The idea that authors have the right to manage and profit from their creative works serves as the foundation for the concept of intellectual property. The importance and scope of intellectual property protection have grown over time, especially in the contemporary knowledge economy. Habib et al. (2019) assert that intellectual property is now a vital instrument for advancing cultural diversity, innovation, and investment in research and development. However, it also brings up challenging issues about enforcement, fairness, and access in international markets.

The origin of intellectual property (IP) can be traced to the Statute of Anne, which was established in 1710 and gave writers the exclusive right to their creations (Lary-Shipley, 2021). This was the first instance of contemporary copyright legislation, which over time grew to include creative and technological works in addition to literary works. In his investigation of the evolution of intellectual property laws, Richards (2020) points out that the advent of capitalism and the rising market value of intellectual property have had an impact on the growth of Property rights. He contends that, in contrast to the original goal of intellectual property law, which was to balance the interests of the public and creators, modern intellectual property regulations are frequently biased in favor of businesses and international enterprises.

Intellectual property rights come in many forms, the most common being patents, trademarks, and copyrights. Patents provide innovators with the exclusive right to commercialize their innovations for a specific period of time, usually 20 years, thereby protecting new technology

and inventions. By giving inventors, a legal monopoly over their creations and prohibiting unauthorized use or replication of their technology, patents, according to Nard (2019), promote technological innovation. But when applied disproportionately or deliberately by big businesses, patents have also come under fire for inhibiting innovation and competition (Nard, 2019).

Another important type of intellectual property is a trademark, which safeguards unique names, symbols, logos, and other identifiers that set one product or service apart from another on the market. Preventing consumer misunderstanding and enabling firms to build a recognizable brand identity are the main purposes of trademarks (Fishman, 2022). A company's ability to prevent counterfeit items, which can hurt both customers and businesses, and to foster brand loyalty depends on its trademark protection. Trademarks have become more valuable in an increasingly globalised economy, especially in sectors like consumer goods, technology, and fashion where brand recognition is a valuable commodity (Castaldi, 2018).

Copyrights protect creative works of authorship, including software, films, music, and literature. For the duration of the author's life plus an additional 70 years, copyright rules allow creators the sole right to reproduce, distribute, and exhibit their works (Fishman, 2022). Because copyright protects the economic viability of the creations of authors, artists, and other creators, it is essential for fostering innovation. But the digital era has brought out new challenges for copyright enforcement, especially when it comes to stopping digital content piracy and unauthorized distribution (Rai, 2020). Aplin and Bently (2020) contend that excessively stringent copyright regulations may impede the unrestricted flow of ideas and cultural creations, prompting proposals for more equitable measures that permit fair use and creative commons licensing. Overly restrictive copyright rules, according to Aplin and Bently (2020) can impede the free flow of ideas and cultural works. This has led to calls for more moderate policies that support fair use and creative commons license.

Another significant category of intellectual property is industrial designs, which safeguard a product's form, arrangement, and look. In sectors like fashion, automobile, and consumer electronics, where a product's aesthetic appeal can affect a buyer's decision to buy, industrial design rights are essential. Rosenfeld (2018) pointed out that industrial design protections incentivize companies to allocate resources towards the creation of distinctive and inventive designs, hence fostering market difference and heightened competitiveness. These rights ensure that businesses can profit from their creative investments and help prevent imitation by protecting design ideas.

According to Holgersson (2018), the law and politics surrounding intellectual property are still hotly debated, especially in light of the ways that technological advancements are upending conventional notions of ownership and innovation. Intellectual property protection presents important questions about control, justice, and access, even though it is essential for innovation and economic success.

The Media and Respect for Intellectual Property in Nigeria

The role of the media in promoting respect for intellectual property rights in Nigeria is crucial, as the media serves as a powerful tool for education, dissemination of information, and shaping public perceptions. In Nigeria, where piracy and infringement of intellectual property rights remain rampant, the media plays an essential role in raising awareness about the importance of protecting creative works, as well as the legal implications of intellectual property violations. Macmillan (2020) asserts that the media can significantly influence public understanding of intellectual property issues by framing them in a manner that emphasizes their relevance to economic development, innovation, and cultural preservation.

However, there are significant challenges in the Nigerian media's engagement with intellectual property issues. According to Olubiyi et al. (2022), many media outlets in Nigeria have traditionally paid little attention to intellectual property concerns, often focusing on more sensational or immediate issues like politics, entertainment, and crime. This neglect has contributed to widespread ignorance about intellectual property rights among the public, as well as a lack of effective deterrents against infringement. Even though the Nigerian Copyright Commission (NCC) has partnered with the media to promote intellectual property awareness, much work remains to be done in integrating IP education into mainstream media content.

Eke (2018) notes that while Nigeria has relatively robust intellectual property laws, enforcement remains weak due to limited resources, corruption, and the sheer scale of the piracy problem. The media has a role in reinforcing IP laws by publicizing legal actions taken against infringers and providing platforms for discussions on the consequences of piracy. However, Gillespie (2018) argues that the media itself sometimes inadvertently contributes to the problem by promoting content that has been illegally reproduced or failing to scrutinize the sources of content they broadcast.

In addition, Willie et al. (2024) argue that the media can be instrumental in fostering a culture of respect for IP by highlighting success stories of Nigerian creators whose intellectual works have gained recognition both locally and internationally. Nwankwo (2018) emphasizes that when the media showcases the economic potential of intellectual property, particularly in industries like Nollywood and the Nigerian music scene, it can inspire aspiring artists and entrepreneurs to value and protect their intellectual assets. The media's portrayal of intellectual property as a vehicle for economic growth, creativity, and global competitiveness is crucial for

shifting public attitudes toward greater respect for IP rights.

The media plays an influential but underutilized role in promoting respect for intellectual property in Nigeria (Chuma-Okoro, 2022). While partnerships between the media and intellectual property enforcement bodies like the Nigerian Communications Commission have made some progress in raising awareness, significant challenges remain, including piracy and limited media focus on intellectual issues. By enhancing coverage of intellectual property matters, showcasing the economic benefits of respecting intellectual property rights, and framing intellectual property as essential to national development, the media can contribute to a stronger culture of intellectual property respect in Nigeria (Chuma-Okoro, 2022).

Implications of Lack of Respect for Intellectual Property Rights

Globally, artists, businesses, and economies all suffer greatly when intellectual property rights are violated (Ploman & Hamilton, 2024). The goals of intellectual property laws are to safeguard creators' rights, promote economic growth, and stimulate innovation. But the entire basis of creativity and invention is threatened when these rights are ignored. Ezell and Cory (2019) contend that disrespect for intellectual property rights deters producers and inventors from devoting time and money to the creation of new ideas or products, hence inhibiting innovation. In knowledge-based economies, where intellectual property is a vital source of growth, this is especially detrimental.

Economic loss is one of the most obvious effects of intellectual property infringement, especially in sectors like software, music, film, and medicines where counterfeit goods and piracy are commonplace. Bhargavi (2021) states that over 3.3% of global trade involves counterfeit goods, causing businesses to lose billions of dollars annually. Furthermore, as individuals who profit from the unauthorized use of intellectual property compete unfairly with legitimate businesses, piracy and counterfeiting can result in employment losses in businesses that significantly rely on intellectual property.

Parr (2018) argues that a major consequence of disregarding intellectual property rights is the harm that it causes to the cultural sectors, especially in nations with strong artistic heritage. Artists, writers, and filmmakers, among others, depend on the preservation of intellectual property rights in order to make a living in many developing countries. Their works are frequently copied, distributed, and sold without their permission or payment if they are not properly protected. According to Parr (2018), this threatens the long-term viability of the creative industries in addition to hurting individual creators. For instance, piracy has severely damaged Nigeria's music and film industries, reducing their ability to support the country's economic growth and export of its culture (Ofochebe, 2020).

Neglecting intellectual property rights can have detrimental effects on public health and consumer safety. Counterfeit products can have hazardous effects in industries such as pharmaceuticals. Counterfeit pharmaceuticals frequently overtake the market when patents and trademarks are breached, resulting in the distribution of inferior or dangerous goods. Azam (2016) argues that the pharmaceutical industry's disregard for intellectual property is not only a financial problem but also a serious public health issue, especially in underdeveloped nations where patients are at serious risk from counterfeit medications. When patients are exposed to harmful or inadequate treatments, the spread of counterfeit medications erodes public confidence in healthcare systems and can result in health emergencies.

Ignorance of intellectual property rights can have far-reaching effects, including stunting innovation, undermining economic progress, and endangering public safety (Erdem, 2020). Industries that depend significantly on intellectual property are especially susceptible to counterfeiting and piracy, which reduces earnings and deters future investment in the creative and technological sectors. Furthermore, inadequate enforcement of intellectual property rights has a major negative impact on cultural industries and public health systems. As noted by Parr (2018), tackling these problems necessitates both greater public understanding of the importance of intellectual property and stricter enforcement of intellectual property laws.

Trends in Media and Intellectual Property Rights

The relationship between media and intellectual property rights has evolved significantly over the past few decades due to technological advancements. As the media landscape shifted from traditional forms like print and broadcast to digital platforms, intellectual property laws struggled to keep up. Brown and Marsden (2023) highlight the gap between intellectual property rights legislation and the fast-paced evolution of digital media, arguing that traditional legal frameworks were not designed for the complexities of content distribution in a digital age. This discrepancy has led to challenges in enforcing copyright protections, especially in light of new media formats such as online streaming, social media, and peer-to-peer sharing.

The rise of digital platforms, such as YouTube, Netflix, and social media networks, has dramatically reshaped the media industry and brought new intellectual property rights concerns to the forefront. According to Savelyev (2018), the increased accessibility to content has led to a surge in copyright infringement, particularly with the ease of sharing and downloading digital media. This has prompted legislative updates such as the Digital Millennium Copyright Act (DMCA) in the United States, which seeks to curb piracy and regulate digital rights management (DRM). However, these legal measures have not entirely prevented issues like unauthorized reproduction and distribution, illustrating the tension

between accessibility and protection of intellectual property.

One of the key trends in media and intellectual property is the evolving role of content creators and their rights to ownership. Chinyowa (2021) argues that the advent of participatory culture, where audiences can create and share media content, has blurred the lines between consumers and producers, leading to complex issues surrounding intellectual property ownership. In the age of Web 2.0, user-generated content on platforms like Instagram and TikTok has further complicated intellectual property rights, as creators often face challenges in securing ownership of their works or protecting them from unauthorized use. This development has led to an increased need for more robust and flexible copyright systems that protect both traditional media creators and new-age digital contributors.

Globalization has compounded the challenges in managing intellectual property rights in media. With content being distributed globally through digital platforms, copyright protections across borders has become increasingly difficult. Ho (2023) points out that differing legal frameworks in various jurisdictions create inconsistencies in how intellectual property is protected, leading to what she terms a "jurisdictional mismatch." This makes it harder for content creators and media companies to control the distribution of their work internationally, raising questions about how to harmonize intellectual property rights legislation across regions. The rise of transnational content distribution models, such as streaming services, demands international cooperation to ensure consistent intellectual property protection.

The fair use doctrine and the rise of Creative Commons licensing represent significant trends in the intersection of media and intellectual property rights. Fair use allows for limited use of copyrighted material without obtaining permission, which is essential for creative and educational purposes (Savelyev, 2018). However, the boundaries of fair use remain ambiguous, often leading to legal disputes. Creative Commons, on the other hand, has emerged as a solution to the rigid restrictions of copyright law by allowing creators to license their work more flexibly. As Zeilinger (2018) argues, Creative Commons has become a critical tool for fostering innovation and collaboration in digital media, though it still faces resistance from industries that prioritize traditional copyright models.

Looking forward, the advent of artificial intelligence (AI) presents new challenges and opportunities for intellectual property in the media industry. AI-generated content, such as artwork, music, and even journalism, raises questions about the ownership of intellectual property created by machines. Abbott and Rothman (2023) discuss the need for legal frameworks to evolve in response to AI's growing influence on media production, as current intellectual property rights laws are primarily centered on human creators. As AI continues to integrate into the media landscape, future trends will likely focus on redefining intellectual property rights to accommodate new forms of content creation and ownership.

New Perspectives on Media and Intellectual Property Rights

Since the advent of digital technology, intellectual property rights have been central to the regulation of the media and the creation of culture. Scholars like Litman (1990) and Boyle (1996) highlighted in their early writings on intellectual property rights the importance of striking a balance between content creators' interests and public access. These academics were among the first to criticize the excessive enforcement of copyright rights, expressing concerns that unduly restrictive laws may hinder the democratization of media access and impede creativity. Litman (1990) urged for changes that would enable more adaptable, user-friendly copyright regimes, arguing that existing copyright laws were inadequate to handle the emergence of digital platforms. Boyle (1996) made a similar observation, pointing out that growing intellectual property claims were endangering the public domain as a common good.

The way that digital media has fundamentally changed the intellectual property landscape is the subject of more recent scholarly research. Hindman (2018) emphasizes how the creation and dissemination of material has changed as a result of digital platforms. Since the internet has made it easier for everyone to access material, debates around originality and ownership have intensified. According to Hindman, the blurring of authorship and audience boundaries in contemporary online sharing, remixing, and collaboration practices complicates established intellectual property rights frameworks. Lingel (2020) presented the notion of "free culture," endorsing the creative commons movement that permits authors to distribute their works while retaining flexible control over their intellectual property.

The debate over intellectual property rights has become more complex due to the proliferation of user-generated material, especially on social media platforms. De-Rosnay and Stalder (2020) claim that traditional ideas of intellectual property are challenged by participatory culture, which encourages users to produce and exchange information. Their term "convergence culture" refers to the ways in which fans and users disseminate, remix, and appropriate information in ways that do not comply with copyright regulations, forcing established media industries to confront this issue. In addressing this contradiction, legal experts like Ginsburg (2010) have looked at how copyright law might change to reflect a more dynamic media environment without jeopardizing the rights of the original producers.

Furthermore, new concerns concerning the jurisdiction and enforcement of intellectual property laws have been brought forth by the worldwide character of digital media. Pettitt (2014) investigates how the emergence of international digital networks has led to changes in

piracy, which is still a problem today but is frequently presented as a danger to intellectual property. As Pettitt notes, piracy has occasionally spurred innovation by pressuring sectors to change and develop more consumer-friendly distribution strategies. However, because intellectual property rights laws differ between countries, it is challenging to establish a unified international framework due to the global scope of piracy.

Van-Dijck (2013) provides an alternative viewpoint, scrutinizing the growing commercialization of media material within the framework of intellectual property rights. She contends in her book, "The Culture of Connectivity" that by monetizing user data and content, often without providing content creators with just compensation, big internet companies like Facebook and Google have changed the nature of intellectual property. Because platform owners frequently have disproportionate power over both producers and consumers, this commercialization raises ethical concerns about who actually benefits from media production in the digital era. Van-Dijck demands that intellectual property rights be reassessed in order to guarantee a more equitable distribution of the financial advantages of digital media.

There is a growing body of research advocating for a socio-cultural reassessment of intellectual property rights. According to scholars like Hesmondhalgh (2013), Bourdieu's theory of cultural capital as it relates to media implies that intellectual property should be viewed as a way to preserve cultural hierarchies as well as a legal tool for safeguarding financial assets. Intellectual property laws have the potential to perpetuate power relations by restricting the distribution and management of media content, so preventing marginalized people from accessing cultural resources. For intellectual property rights to survive in the future, we must consequently adopt a new cultural understanding of the connection between media, ownership, and public access in addition to enacting legislative reform.

Conclusion

The media plays a crucial role in shaping public perceptions and attitudes towards intellectual property rights in Nigeria. Despite the existence of legal frameworks, intellectual property infringement is widespread, and the media's lack of attention to intellectual property issues has contributed to widespread ignorance about these rights. However, the media can also be a powerful tool for promoting respect for intellectual property by educating the public about the importance of protecting creative works, highlighting the economic benefits of respecting intellectual property rights, and showcasing success stories of Nigerian creators who have gained recognition through their intellectual property. By framing intellectual property as essential to national development and encouraging innovation, the media can contribute to a stronger culture of intellectual property respect in Nigeria.

The lack of respect for intellectual property rights has significant implications for creators, industries, and economies in Nigeria. The widespread infringement of intellectual property rights has led to financial losses, stifling innovation, and discouraging entrepreneurship. Furthermore, it undermines the country's ability to benefit from its creative industries, which are a significant contributor to its economy. To address this issue, a comprehensive approach is needed, including legal reform, public education, and the strategic use of media to build a culture of respect for artists and their work. By promoting respect for intellectual property rights, Nigeria can encourage innovation, creativity, and economic growth, ultimately benefiting its citizens and contributing to national development.

Recommendations

Based on this work, the following recommendations are made:

1. The media should develop education programs to promote intellectual property rights, targeting both the general public and key stakeholders in the creative industry.
2. A formal partnership between the media and intellectual property enforcement bodies should be established to develop a comprehensive strategy for promoting respect for intellectual property rights.
3. A media campaign should be launched to highlight the success stories of Nigerian creators who have achieved success through their intellectual property rights, inspiring others to respect and protect their own intellectual property.

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