COPYRIGHT VIOLATION AND ONLINE NEWS SOURCING: EFFECT, CHALLENGES AND PANACEAS.

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Abstract

The advent of digital technology has altered the way people source news. While some people see it as a blessing, some perceive it as a curse. The study examined the effects of copyright law on online news sourcing, the challenges and the panaceas. Data was collected from secondary sources such as published, unpublished materials and books. The fairness theory and the personality theory were used to drive this study. The study revealed that Nigeria Copyright Commission should protect the public interest in reliable, relevant, and quality journalism; Nigeria needs a legal regime that discourages misattribution of online news content, protects the integrity of online news, and permits journalists to vindicate their rights of attribution and integrity in such works. The copyright Act should be amended to stiffer penalties (punishment) for copyright infringement. NCC officials should be adequately and adequately educated on ICT to effectively and efficiently fight Internet piracy.

INTRODUCTION

No doubt, in today's digital age in Nigeria, the content from recent news reports can be instantly distributed across the internet as many blogs have access to the latest information by sourcing another website without fear of violating copyright law.

Anyone having access to information and circulating it to a large audience has made it hard to separate healthy and legitimate statements from unlawful and harmful copyright infringement.

Of course, this can arguably harm the media industry's bottom line; it may even affect companies' ability to pay the journalists who do original reporting as their works are easily pirated without consequences, a reason most media companies are folding in Nigeria.

The internet threatens to destroy the "print" journalism industry.' Due to the nature of the internet, online news articles may be taken and republished by other websites without any formal licensing agreement with the original author; in essence, When a person takes news content from one website and republishes it on another in the absence of a licensing agreement, such individual has "pirated" the news content.'

Wikipedia describes copyright as an intangible, incorporeal property, which guarantees the owner the exclusive right to deal with their work within a stipulated time as provided under the law. Copyright and related rights are today perceived as instruments for development and provide a secured and stable environment for creative activities.

With the advent of the new media and unexperienced in the media business, the owners of stories are robbed of their rights by pirates who reap where they have not to sow by reposting someone's hard-earned work on their platform with the sole aim of making a profit.

In this regard, the print media in Nigeria has suffered more as their production takes time and mainly once a day; this gives room for anyone to share information fast and easily online and take credit for the job. Piracy is a tremendous challenge to the creative industry worldwide and in Nigeria. It may be a cankerworm in the growth and development of intellectualism, more deadly than AIDS to human health, and the perpetrators, terrorists.

The contributions of the creative industry, particularly in copyright issues to socioeconomic development, have been due to an efficient management system. In Nigeria today, this management is carried out by the Nigerian Copyright Commission (NCC).

The international treaty instituted the need not register a work before it can be automatically copyrighted. Olatunji (2013) appraised the enforcement of activities by Nigerian Copyright Commission using the regulations that guide the commission. Ola (2014) reported several rules that the Nigerian Copyright Commission has issued, and they have in no small ways helped in the administration of copyright in Nigeria.

It was further expressed that the heightened convictions on copyright infringement will hopefully serve as a deterrent to others who think flagrant disregard for copyright can be swept under the carpet without practical legal implications or punishment.

Faga and Ngozi (2011) assessed the limits of copyright protection in contemporary Nigeria by re-examining the relevance of the Nigerian Copyright Act in today's digital and computer age. The study focused on the problem of the skeletal nature of the Act concerning the rights of innovators of digital technology, intelligence and manifests ambiguities and contradictions contained in the Act. Some shortcomings were identified in the Act that makes it easy for infringers of the digital invention to breach the legal right of the creator with impunity and therefore make it difficult for the Nigerian Copyright Commission to achieve its mandate.

Edhosomwan (2019) examined the Nigerian Copyright Commission's progress in its duty to protect copyright laws in Nigeria. The study adopted a semi-structured interview and the review of relevant texts, the plans of NCC on improvement and expansion of services and

challenges associated with it, and data collected from the activities of the commission to protect works covered by the Act. The study found that some aspect of the policy frameworks that guide NCC needs to be reviewed to mitigate copyright infringement and enforce copyright laws.

All businesses are established to make profit, and the media is not exempted, hence why Intellectual property in the news should be protected.

Gathering together exciting and valuable things from around the internet and presenting them in new ways to an audience is the foundation of blogging and social media. But it's also the subject of much legal debate, particularly among the news organisations whose material is often what's being gathered and presented.

The internet has become an important news source for Nigerians during the past decade. In this age, in Nigeria, most people have smart phones connected to the internet and rely solely on it to get their information; business people, politicians, government workers, clerics and so on are all on the internet waiting to get the last update and happenings in the country.

This increased reliance on the internet as a source of news has coincided with declining profits in the traditional media and the shuttering of newsrooms across the country, and it's arguably to say that the internet is harming the news business.

Bloggers are one of the big agents who violate copyrights law in Nigeria; they read free content, rewrite in some cases and profit from the factual information gathered by traditional media organisations at a high cost.

A Senior Researcher, Africa Programme at the CPJ, Jonathan Rozen, who spoke on the challenges confronting journalists cut across borders at the virtual Annual General Meeting of Nigeria's Guild of Corporate Online Publishers, said"Journalists publishing online are also vulnerable to the various other challenges faced by the entire Nigerian Media community".

LITERATURE REVIEW

The year 2020is a memorable one for everyone across the globe due to the COVID-19 pandemic forced changes in the way things are done, which has now become our habit. Several countries, including Nigeria, went into lockdowns and ordered their citizens to stay at home. This resulted in a heavy reliance on virtual communication such as social media, traditional telephone, emails, text messages, chats, video conferencing, and other internetenabled means of communication, work and entertainment.

Also, more people have turned to content creation on the internet in blog posts, audio recordings, creative videos and photographs. Of course, copyright infringement issues have naturally ensued and are on the increase.

The Federal Military Government in 1988 promulgated the copyright Decree No. 47 of 1988. The Copyright Act redesignated this Decree in 1990. This Act not only created favourable conditions for actualisation of the author's potential through the protection of

creative work but also incorporated on the establishment, for the first time, machinery for the administration of copyright in Nigeria called the Nigerian Copyright Council.

Owing to the need to align the council with the emerging global copyright administration and enforcement trend, its status was changed to a commission in 1996. The Nigerian Copyright Commission is still incorporated in the subsequent amendment of the Copyright Act in 2004.

The Nigerian Copyright Commission (NCC) is established under Section 34(1) of the Copyright Act as a body corporate with perpetual succession and a common seal. The Commission (NCC) has zonal offices in some states of the Federation to decentralize the administration of copyright matters. It is headed by a Director-General, who is responsible for the day to day administration of NCC.

A governing board is established for the effective management of NCC. The commission has numerous functions/roles provided under the Copyright Act, including the following: a. To be responsible for all matters provided for in this Act. b. To monitor and supervise Nigeria's position concerning international conventions and advise government thereon. c. To advise and regulate conditions for the conclusion of bilateral and multilateral agreements between Nigeria and any other country. To enlighten and inform the public on matters relating to copyright. e. To maintain an influential data bank on authors and their works. f. To be responsible for issues related to copyright in Nigeria, as the Minister may, from time to time, direct.

In addition to the above functions, the commission has the power to appoint copyright inspectors. The Copyright Inspector shall have the ability to:

- Enter, inspect and examine at any reasonable time any building or premises which he reasonably suspects is being used for any activity which is an infringement of copyright under this Act, such as piracy.
- Arrest anyone who he reasonably believes has committed an offence under this Act.
- Make such examination and inquiry as necessary to ascertain whether the provisions of this Act are complied with.
- Request the production of the register required to be kept under section 14 of this Act and to inspect, examine and copy it.
- Request any person he finds in such building or premises to give such information as it is in his power to give concerning any purpose specified in this Act.
- Carry out such examinations, tests or analysis within or outside the premises as is required to give effect to any provision of the Act; and
- Exercise such other powers as the commission may delegate to it to give effect to the provision of this Act. Furthermore, section 38(3) of the Copyright Act empowers the copyright inspector to prosecute, conduct or defend before the court any charge, information, complaint or order proceedings arising under the Act.

The Copyright Commission also can approve the functioning of a collecting society. A collecting organisation is an association of copyright owners that has as its principal

objectives the negotiation and granting of licenses, collecting and distributing royalties in respect of copyright works.

In addition, the Nigerian Copyright Commission also has the power to grant a compulsory licence for the translation and reproduction of literacy or dramatic work for teaching, scholarship or research.

However, for the effective and efficient administration of copyright, enforcement of copyright laws, and fight against infringement, the Nigerian Copyright Commission has been divided into various departments, headed by duly appointed officers. Such departments include the regulatory department, enforcement department, public affairs department, administrative department, legal unit, governing board, prosecution department and internal audit unit.

Online Copyright Piracy is the illegal reproduction or duplication of copyright works like news, phonograms, books, paintings, architectural drawings, photographs, films, broadcasts, computer software etc., for commercial purposes.

Today, several incidences of piracy abound in the media world throughout the whole world, and Nigeria in particular, where piracy hits all sectors of the copyright industry, but the worst hit is the entertainment industry.

Kanayo O. Kanayo condemned piracy and called it an act of "intellectual terrorism". He noted that the wealth of Nollywood is judged not only on its past works but on the substance that is coming from the industry in contemporary times.

The creative industries, whether publishing, entertainment, film, music, art, technology, broadcasting and software development sectors, rely on copyright to facilitate dealings in their works, but the industry faces the same copyright challenge.

As part of efforts to put an end to this menace, on October 12, 2021, at the public hearing on two proposed bills for an Act to repeal the Copyright Act Cap C28 LFN 2004 and to reenact the Copyright Act 2021 and for matters connected in addition to that, 2021 (SB.688) and the Executive Bill SB. 769 to replace the copyright law currently in operation by the Senate Committee on Trade and Investment jointly chaired by Senators Francis Fadahunsi and Opeyemi Bamidele, creatives, which demand the Copyright bills now being considered by the National Assembly to work for creators of intellectual properties and not for the users and exploiters of their creativity.

The Senate President, represented by Senator Abdulahi Sabi, the Deputy Chief Whip, said the Ninth Senate intended to bequeath a copyright law that will stand the test of time and improve a lot of the creators of intellectual property.

PIRACY OF ONLINE NEWS

Today online news content is frequently pirated, and in the Internet context, pirated content is increasingly misattributed or misappropriated. A multitude of online news aggregate sites, which take content from traditional national and local news agencies, means that a significant portion of the news-reading public reads the news outside of the context initially published.

Moreover, the increased availability of online news content and increased ease with which content can be "borrowed" may encourage cash-strapped news agencies to borrow more frequently from fellow news agencies rather than expending resources to gather their news.

However, the lack of enforceable journalistic rules, ethical codes, gatekeepers, and the lack of legal standards, means that journalists' rights and obligations regarding the appropriation and attribution of news content are ill-defined.

Journalists have consistently expended professional skills, resources, time, and effort to gather news products to disseminate to the public. The news product does not merely transpose itself from any journalist's handbook into the mind of any reader. Even though the internet may make it seem so, the news is not simply floating around. Questions such as "where did the news come from?" and "who did the research and writing?" have new meanings in the context of online journalism. The answers to these questions have utmost importance in a democratic society, where we value a free marketplace of ideas to facilitate prudently informed decision-making.

COPYRIGHT AND PIRACY OF ONLINE NEWS

Generally, copyright law protects against infringement of written works of authorship. Accordingly, copyright law provides the natural starting point for discussing how to stop pirating and how to prevent the misattribution and misappropriation of potentially copyrightable content.

However, many scholars have demonstrated that copyright law is not the solution to preventing Internet piracy of online news content.

Professor Carter suggested that extending copyright protection to news content collides with well-established copyright principles." Even though the creative expression of factual content is copyrightable, the accurate content itself cannot be copyrighted because "facts" are not "original Works of authorship."

The 1976 Copyright Act does not explicitly forbid news agencies from asserting copyright in journalistic expression. Still, the Supreme Court has consistently relied on the "fact/expression" dichotomy to find that "facts" are not "original" and thus to limit the scope of copyright to "expression" rather than mere facts.

While facts themselves are not copyrightable, the original selection, arrangement, and coordination of points may be copyrightable.

NIGERIAN COPYRIGHT COMMISSION (NCC) AND THE FIGHT AGAINST PIRACY

The Nigerian Copyright Commission established under Act32 is the only government agency responsible for copyright administration in Nigeria. The mandate of the Commission (NCC) includes administration, enforcement and regulation of copyright activities in Nigeria, of which the fight against piracy is inclusive. The Nigerian government has adopted zero tolerance for acts of piracy. In line with the zero tolerance for piracy, the copyright Act33, in its wisdom, provides for antipiracy measures to assist the commission effectively and efficiently carrying out its functions.

Copyright infringement (piracy) is the use of works protected by copyright without permission for a usage where such consent is required, thereby infringing certain exclusive rights granted to the copyright holder, such as the right to reproduce, distribute, display or perform the protected work, or to do derivative works. The copyright holder is typically the work's creator, publisher, or other business to whom copyright has been assigned.

Copyright holders routinely invoke legal and technological measures to prevent and penalise copyright infringement.

Copyright infringement disputes are usually resolved through direct negotiation, a notice and takedown process, or litigation in civil court. Egregious or large-scale commercial infringement, especially when it involves counterfeiting, is sometimes prosecuted via the criminal justice system. Shifting public expectations, advances in digital technology and the increasing reach of the internet have led to such widespread, anonymous infringement that copyright-dependent industries now focus less on pursuing individuals who seek and share copyright-protected content online and more on expanding copyright law to recognise and penalise, as indirect infringers, the service providers and software distributors who are said to facilitate and encourage individual acts of infringement by others.

NEWS AGGREGATOR

A news aggregator is a website that takes information from multiple sources and displays it in a single place. While the concept is simple in theory, news aggregators take many forms in practice. For this reason, any attempt to talk about the legal issues surrounding "news aggregation" is bound to fail unless we consider the relevant differences among the various models.

THEFT

A common explanation for why copyright infringement isn't theft is that the original copyright holder still possesses the work they made, unlike stealing the object.

Copyright holders frequently refer to copyright infringement as theft, "although legislatures and courts have rejected such misuse". In copyright law, infringement does not refer to theft of physical objects that take away the owner's possession but an instance where a person exercises one of the copyright holder's exclusive rights without authorisation.

CHALLENGES OF THE NCC IN THE FIGHT AGAINST PIRACY

The NCC, like any other body entrusted with some responsibilities, has some challenges, which includes:

- Poor Financing: The NCC needs adequate funds to operate and carry out its responsibilities efficiently, but NCC is not adequately funded by its function and enforcement procedure.
- Corruption: Some of the NCC officials charged with carrying out raids on infringed works are corrupt, so the pirates compromise them. By this, these officials close their eyes to the evil being perpetrated by the pirates.
- Language Barrier: Nigeria is a multi-lingual state, and there are instances where
 officers are deployed to operate in an area where they do not understand the
 language of the natives.

However, it's important to note that enforcement of intellectual property laws is a key to curbing piracy; consequently, the position and role of law enforcement agencies like the police, army customs and officers of other relevant government agencies is crucial.

Some other problems are poor training and the absence of good working tools either to aid detection or post-arrest operations.

However, a disturbing attitude also exists in the public's minds and sometimes in the judiciary and law enforcement agencies that piracy is a low level of mischief with little natural consequence.

The members of the International Intellectual Property Alliance (IIPA) reported that the police lack the overall will, and the Economic and Financial Crimes Commission (EFCC) generally considers copyright as a secondary issue in their mandate and will instead assist the NCC to carry out its mandate rather than take the lead.

Delays in the judicial system and a lack of transparency in the enforcement system discourage copyright litigation and enforcement.

Hence, this makes the fight against piracy difficult, and consequently, the pirates flourish and thrive in their businesses.

News stories uploaded on the internet are bastardised and copied with impunity. It is always common to see surfers at cyber cafes or in their houses or offices, with few clicks on their computer distributing well-reported news to the entire world. This anomaly must be checked.

WHAT IS SOCIAL MEDIA, AND HOW DOES IT AFFECT COPYRIGHT?

Margaret Rouse defines social media as "the collective of online communication on channels dedicated to community-based input, interaction, content sharing and collaboration. Examples of popular social media networks include Facebook, Google +, LinkedIn, Pinterest, WhatsApp, YouTube, and Vine.

Most works shared on these platforms without authorising or authorising the creator amounts to copyright infringements.

Social media features such as reposting, retweeting, quote tweet, sharing, broadcast, copy and paste, delete etc., made available to us should not be abused and misused. Abuse or misuse may cause "harm to copyright holders who lose income and to those who unknowingly violate copyright law".

Regarding how difficult it is for News media to control the publication, distribution, and use of their works online, there are many questions but few answers.

- Whom to sue? Difficulty in identifying the infringer;
- Where to sue? –Issues of cross-border/territorial actions, concerning jurisdictional competence, applicable law and issues bothering on enforcement of a judgement in another country;
- The risk of being sued abroad; and
- An issue on being adequately acknowledged, attributed or recognised.

The current practice on social media now is using such words or phrases as "Copied" when the source of the post being shared is unknown. Others criminally claim authorship, with little or no changes made to the original work. Using 'Copied" suggests that the person posting the work is lazy and couldn't care to investigate the source.

PROTECTION OF COPYRIGHT ON THE INTERNET

The copyright bill, which was introduced in the Year 2015, seeks to align the copyright laws of Nigeria with the digital age and is a step in the right direction in protecting copyright owners on the internet. The introductory note to the bill states that its main objective is to "reposition Nigeria's Creative industries for greater growth; strengthen their capacity to compete more effectively in the global marketplace; and enable Nigeria to fully satisfy its obligations under the various International Copyright Instruments, which it has earlier ratified or indicated interest to ratify".

Part VII of the bill addresses how copyright infringement on the internet should be handled. Section 47 gives authority to the content owner to notify the Internet Service Provider (ISP) and alert them of the infringement. Upon receipt of a complaint of violation, section 48 mandates the ISP to notify the alleged infringer to take down infringing content within ten days. Where the suspected infringer fails to provide the license to use such content or take down the range as notified, the Copyright Commission can directly, or with the help of the content provider, disable or block the content associated with the infringer.

In the case of repeat offenders, the ISP has the authority to suspend such an account after an initial warning has been issued. The ISP also has the power to block access to online content of persons who infringe on the copyright of others. Section 53 even allows the content owner to seek out the alleged infringer's identity.

The bill also provides options for persons dissatisfied with the determination or action of the ISP or owner of a copyright to refer the matter to the Copyright Commission for decision.

Another commendable aspect of the bill is the amendment of the definition of "copy" from "a reproduction in written form, in the form of a recording or cinematograph film, or any other material form, so however that an object shall not be taken to be a copy of an architectural work unless the object is a building or model" to "a reproduction in any form including a digital copy." This amendment considers the ability to make digital copies now

and removes the limitation of copying being a physical or tangible copy, which covers the loophole in the present Act.

THEORIES

We will be using fairness theory and personality theory for this research work.

THE FAIRNESS THEORY of copyright is based on the premise that the law ought to give authors what they deserve; in other words, hard work should be rewarded, and authors should retain control of the fruits of their labours. For example, exclusive rights afford creators a limited monopoly and the opportunity to profit from their work. Further application of this theory might involve fair compensation for contributors to composite jobs and increased protections for real jobs (facts are not presently protected by copyright). This theory is particularly influential in common law countries like the United States and the United Kingdom.

PERSONALITY THEORY is less concerned with compensating labour and focuses instead on protecting the emotional bond between the artist and her creation. Moral rights derive primarily from personality theory and encompass an author's rights to be credited for her work, to protect the integrity of her career, to determine when to publish a result, to demand that an appointment be returned, to be protected from excessive criticism and to collect a fee when work is resold. Such rights may sound alien to an audience in the United States, where moral rights are rarely enforced outside the limited circumstances prescribed by the Visual Artists Rights Act (VARA) of 1990. Personality theory and its attendant moral rights are more prevalent in civil law countries, such as the European Union member states.

METHOD

This study adopts a content analysis research design, which involves the quantitative analysis of reports to collect the required information. The study consulted journals, online articles, and online news websites due to their relationship to the course of this study.

Content analysis was selected as the research method to organise and elicit meaning from the data collected since the study sought to ascertain Copyright violations and online news sourcing regarding copyright infringement.

The study chose the purposive sampling technique to select its sample size. Data were purposefully collected by carefully checking through gathered information. The purposive sampling technique was deemed appropriate because it ensured the extraction of cases that serve the purpose of this study.

RESULT

The study should show that copyright violation and online journalism in this age seem inseparable. Most new content consumers are addicted to social media and lazy to go the extra mile to verify the information.

But most importantly, the fight against piracy and copyright infringement during this digital age must be successful.

There is a need to take extra-legal measures, such as administrative, social, judicial and technological, to stem the tide of socio-legal problems.

To protect the public interest in reliable, relevant, and quality journalism, Nigeria needs a legal regime that discourages misattribution of online news content, protects the integrity of online news, and permits journalists to vindicate their rights of attribution and integrity in such works.

Because no law currently is designed to vindicate the right of attribution in news content," Nigeria needs a statutory scheme tailored to the news industry, which permits news agencies to sue news aggregators or other news agencies that misattribute or undermine the integrity of their news content.

Furthermore, there should be a fee from readers or erect a barricade around websites to prevent piracy or control/monitor who accesses the news. These economic-based measures would, and do, stifle the flow of information even if they succeed in raising revenues for media houses.

DISCUSSION

The broad objective of this study is to analyse the effect of Copyright violation on online news sourcing.

However, the specific objectives are to; · investigate the report of Nigerian law on copyright; reveal the effect of online journalism on Nigerians; investigate how cases of Copyright violation news content are handled.

The research also emphasizes ensuring proper attribution of online news content to the source, which means that readers who view the content know where the content originated.

Also, maintaining the integrity of that content assures readers that the source indeed wrote the information that now appears on a different website. Moreover, the hyperlinking regime advanced by the proposed statute ensures that information flows freely between news agencies and that agencies are given due credit for gathering and reporting certain news content.

Ultimately, proper attribution of and maintenance of integrity in news content would further the public interest in reliable, relevant, and quality news and "help assure a news agency that it and not an imitating competitor will reap the financial and reputation-related rewards associated with" distributing a quality news product.

In the absence of other legal vehicles to vindicate a journalist's rights of attribution and integrity, Congress should enact a moral rights scheme to protect these rights in the face of piracy

CONCLUSION AND RECOMMENDATIONS

The dawn of the information age and the advancement of technology in spreading news created a favourable tool for copying and selling another's intellectual works quickly and less expensive.

Hence Copyright violation and online news sourcing have become synonymous as they seem to be working together.

Copyright piracy has been recognised globally and in Nigeria as constituting serious threat journalism. It obstructs genuine investments and corrupts the cultural values of a nation.

Most media houses are faced with the reality of a declining economic resource and a source of pride as they no longer get recognition of the importance of their intellectualism and monetary reward for their painstaking news.

The Nigerian Copyright Commission (NCC) should also do more to fight piracy to a standstill/halt.

The Nigerian government should advocate and adopt methods to fight piracy, such as providing for the antipiracy measures under the copyright Act56 to assist the NCC in its fight against piracy.

The copyright Act should be amended to stiffer penalties (punishment) for copyright infringement. NCC officials should be adequately and adequately educated on ICT to effectively and efficiently fight Internet piracy.

The government should provide excellent and functional vehicles to the commission for carrying out piracy raids. Security men such as policemen, the army should be provided to accompany the NCC officials during the raids to protect them from attacks.

Appointments by the NCC on who should carry out a particular raid should be made without fear or favour but on the bases of competence.

They should also be adequately remunerated not to be deceived or enticed by any gratification offered to them by pirates. If the gratification attracts them, they will fail in their work and consequently find it difficult to call the pirates to order.

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