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**COPYRIGHT TIPS FOR CONTENT CREATORS AND  
INFLUENCERS IN NIGERIA**





## Introduction

Copyright is a form of intellectual property which protects all forms of work including literary and artistic works from exploitation without authorization from the owner. The copyright owner has the exclusive right to prohibit or authorize reproduction, distribution, public performance, public display, and creation or production of derivative works.

The purpose of this guide is to educate content creators and influencers about their legal rights and responsibilities with respect to their original works. It aims to equip them with the knowledge to protect their intellectual property, avoid legal pitfalls, and maximize their content's value. Additionally, the article seeks to guide them in using third-party content legally and ethically, fostering a more respectful and professional creative community.

## Brief overview of the importance of copyright in content creation

Copyright fosters an environment that encourages creativity and innovation, it is a vital role in the lives of content creators and influencers by providing legal protection for their original works. It further ensures that their creative efforts, whether in the form of writing, music, videos, or artwork, are recognized as their intellectual property. This recognition grants the influencer and content creators the exclusive rights to use, distribute, and monetize their creations, thereby offering a protection against unauthorized use and infringement.

For content creators and influencers, copyright is crucial because it secures their rights, supports their creative endeavors, and protects their economic interests allows them to control how their work is being used by others. This control is essential for maintaining the integrity and value of their brand. Without copyright protection, their content could be easily copied, altered, or distributed without permission, undermining their hard work and potentially leading to financial losses especially in this digital age, where content can be rapidly disseminated across online platforms and borders.

## Why content creators and influencers need to be aware of copyright laws

Content creators and influencers must be aware of copyright laws to navigate the complex digital landscape effectively and protect their intellectual property. Understanding copyright laws is crucial because it enables them to safeguard their original content, ensuring that their hard work and creativity are not exploited without permission. When creators are knowledgeable about their rights, they can take proactive measures to prevent unauthorized use, which is essential for maintaining the integrity and value of their brand.

The Copyright Act 2022 is the legal framework regulating copyright in Nigeria. The Act affords protection for original musical, artistic works, literary, audiovisual works, sound recordings, and broadcasts.<sup>1</sup> The Act also provides for the duration of Protection for these works. For literary, musical, and artistic works, it typically lasts for the lifetime of the author plus 70 years after the death of the Author.<sup>2</sup> For cinematograph films and sound recordings, it lasts for 50 years from the date of creation or publication.<sup>3</sup>

### Importance of originality in content creation

The legal frameworks in the jurisdiction share a common provision which is the originality in content creation as a fundamental criterion for securing copyright protection, only original works are eligible for copyright protection.<sup>4</sup> Originality signifies that the content is a product of the creator's own intellectual effort, creativity, and expression, distinguishing it from mere copies or reproductions of existing works. This principle of originality is crucial because it ensures that the law recognizes and protects the unique contributions of creators.

By prioritizing originality, the legislations align with international standards, promoting respect for intellectual property and encouraging ethical content creation practices. When content is original, it not only enriches the pool of creative works available to the public but also enhances the creator's reputation and credibility as original works are more likely to stand out, attract audiences, and generate revenue, thereby providing a competitive edge in the crowded digital space.

### Tips for ensuring your content is original

1. One of the ways that the legislations have envisaged the usage of another person's work is through licensing<sup>5</sup> where the content creator or the influencer request for the permission of the original owner to reproduce their work. There is no particular format of requesting for permission, but you can prepare an agreement signed by both parties properly documenting your interest.
2. Secondly, conducting comprehensive research on the topic is another way of ensuring that a content is authentic or original. Being well-informed about what has already been created enables content creators to avoid unintentional

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<sup>1</sup> Section 2 (1) of the Copyright Act.

<sup>2</sup> Section 19 (1) (a) of the Copyright Act

<sup>3</sup> Section 19 (1) (c), (d), (e), of the Copyright Act.

<sup>4</sup> Section 2 (2) (a) of the Nigerian copyright Act 2022.

<sup>5</sup> Section 30 of the Nigerian copyright Act.



duplication and find opportunities to innovate. This will help content creators and influencers understand existing works and identify gaps or areas where they can offer a unique perspective.

3. Furthermore, content creators are encouraged to use original materials, create your own materials rather than relying on existing ones. For instance, use your own photographs, illustrations, music, and scripts. This not only ensures originality but also gives you complete control over your content and its use.
4. Most importantly, influencers should Adopt and Utilize of Plagiarism Detection Tools to check their work for potential similarities with existing content. These tools can help them identify and address any unintentional overlaps before publishing your content. Ensuring that your content is free from plagiarism reinforces its originality. Plagiarism checkers help safeguard content creators' work, ensuring it is original and rightly attributed, thus maintaining their reputation.
5. Document Your Creative Process by keeping detailed records of the creative process, including notes, drafts, and sketches. This documentation can serve as evidence of the originality of your work and your creative journey. It can also be useful if you need to prove that your content is original in case of disputes or copyright claims.

### Understanding Fair Use and its limitations

Fair use is a critical concept in copyright law in Nigeria that allows limited use of copyrighted material without requiring permission from the copyright holder. Fair use is designed to strike a balance between protecting the rights of content creators and allowing the public to benefit from the use of copyrighted works. It facilitates research, education, criticism, and news reporting, contributing to the free flow of information and ideas in the context of the Nigerian Copyright Act, fair use, often referred to as "fair dealing," provides specific exceptions that enable individuals to use copyrighted works for certain purposes while respecting the rights of the original creators. The Nigerian Copyright Act allows individuals to utilize portions of copyrighted material for purposes of research, private study, criticism, review, and reporting. Educational institutions, libraries, and archives.<sup>6</sup>

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<sup>6</sup> Section 20 (1) of the Copyright Act.





## Limitations of Fair Use

Influencers and content creators ought to be aware that while fair use provides significant flexibility, it is not without limitations. These specific conditions and restrictions to ensure that fair use does not undermine the rights of copyright holders.

- 1. Proportion and Significance:** The amount and substantiality of the portion used must be considered. Fair use typically allows for the use of small, non-substantial parts of a work. Using large or essential parts of the copyrighted material may exceed the boundaries of fair use and require permission.
- 2. Purpose and Character:** The purpose of the use must be considered. Uses that are transformative, such as those adding new meaning or context, are more likely to be considered fair use. However, uses that are purely commercial or that compete with the original work are less likely to be deemed fair.
- 3. Impact on Market Value:** The effect of the use on the market value of the original work is a critical factor. If the use of the copyrighted material negatively impacts the sales or market potential of the original work, it is less likely to be considered fair use.
- 4. Acknowledgment and Attribution:** Fair use does not negate the need for proper acknowledgment. Even when using copyrighted material under fair use, it is essential to provide appropriate credit to the original creator. This respects the author's moral rights and maintains the integrity of their work.

## Protecting Your Content

### How to register your content

Registering your content as a content creator is an essential step to protect your intellectual property and ensure you have the exclusive rights to your creative works. In Nigeria, copyright protection is automatic upon the creation of original works. This means that as soon as you create an original piece of content be it a literary, musical, artistic work, or a film your work is protected under Nigerian copyright law. However, registering your content with the appropriate body guarantees an extra layer of protection and additional legal benefits, such as a public record of your copyright and stronger evidence in case of infringement disputes.



## Benefits of Registration

There are several benefits an influencer and a content creator stand to benefit ranging from

1. **Legal Protection:** While copyright protection is automatic, registration provides undeniable evidence of your ownership. This is particularly useful in legal disputes over copyright infringement.
2. **Public Record:** Registration creates a public record of your copyright, which can deter potential infringers and clarify ownership to third parties.
3. **Enhanced Enforcement:** A registered copyright can be easier to enforce in court, providing you with a stronger legal standing to seek remedies such as damages or injunctions against infringers.
4. **Commercial Opportunities:** Having a registered copyright can facilitate licensing agreements and other commercial opportunities. It assures potential partners that your ownership is legally recognized and undisputed.

## Recognizing copyright infringement

A content creator can recognize copyright infringement by monitoring for unauthorized use of their work across various platforms. Key indicators include finding copies of their content being used without permission, noticing similar works appearing under different names, or discovering their material being reproduced in commercial products or media. Tools like reverse image search, plagiarism checkers, and digital rights management software can help detect these unauthorized uses.

## Legal disclaimers and notices

Using legal disclaimers and notices in your content as an influencer is crucial for legal protection and audience trust. These tools help limit liability by clarifying that the information provided is for general purposes and not professional advice, protecting against legal claims if followers misinterpret the content. Disclaimers are especially important in areas like health, fitness, or financial advice. Additionally, they ensure compliance with regulatory requirements, such as disclosing sponsored content, which helps avoid legal disputes and maintains ethical standards.

## Steps to take if your content is infringed

If you discover that your content has been infringed, taking prompt and effective action is crucial to protecting your intellectual property and enforcing your rights.

**Document the Infringement:** Thoroughly document the infringement by capturing screenshots, recording URLs, and gathering evidence of unauthorized use of your content. Note the date and time of discovery. This documentation is essential for legal actions and effectively communicating the issue to the infringer or relevant platforms.

**Verify the Infringement:** Ensure that the use of your content is indeed unauthorized. Sometimes, what appears to be infringement might be permissible under fair use or might involve content you have previously licensed. Verify that the infringer does not have permission or a licensing agreement to use your work. Review the terms of any licenses you may have issued to ensure that the usage falls outside those terms.

**Contact the Infringer:** Reach out to the person or entity that has infringed on your content. Send a formal cease-and-desist letter or email requesting that they stop using your content and remove it from their platform. Be clear and professional in your communication, outlining the specifics of the infringement and providing evidence. In many cases, a direct approach can resolve the issue without further legal action. If the infringement involves content posted on a third-party platform (such as social media, blogs, or online marketplaces), report the infringement to the platform and request for a takedown of the content.<sup>7</sup>

**Seek Legal advice:** If significant infringement occurs or initial resolution attempts fail, consult a copyright Legal practitioner for guidance on your rights and potential remedies. The influencer may also consider a formal legal action to seek redress in court.

**Update Your Licensing and Policies:** Review and update your licensing agreements and policies to better protect your work. Ensure that your terms of use are clear and comprehensive, covering all potential areas where infringement could occur.

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<sup>7</sup> Section 54 of the Copyright Act, 2022.



## Conclusion

Understanding and leveraging copyright laws are essential for content creators and influencers to protect their intellectual property, enhance their brand's value, and navigate the digital landscape effectively. Copyright provides the legal framework necessary to safeguard original works, ensuring that creators can control how their content is used, distributed, and monetized. By staying informed about copyright principles, such as the importance of originality and the limitations of fair use, creators can prevent unauthorized use of their content and maintain their creative integrity. Understanding the legal protections available, including those under the Nigerian Copyright Act further empowers creators to defend their rights effectively.

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