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Copyright Infringement over Digital Audio Files on the Internet

Chineze S. Ibekwe*

Boma N. Owunabo**

Abstract

As artistes and record labels resort more to digital and online means to create and distribute sound recordings, new copyright issues affecting digital audio files have arisen. This work examines the existing copyright framework in Nigeria with a focus on the legislative and enforcement limitations that have allowed the rate of infringement of digital audio files on the internet to become endemic. Consideration would be given to the evolution of sound recordings to digital audio files, the scope of digital audio files, whether they are subject to copyright, the position of the Nigerian Copyright Act, the position on digital audio files internationally and infringement of copyright over digital audio files. In addition to the passage of the Copyright Bill of 2015, this paper recommends that subscription based online services reduce the price of streaming or downloading premium content in order to grow a larger user-base and discourage non-paying customers. General awareness about the consequences of copyright infringement would improve both the consumer's compliance with the law and the right holders' willingness to enforce the said law by way of criminal or civil proceedings.

Keywords: Digital audio files, copyright infringement, online content download, digital streaming services, Copyright Bill 2015, WIPO Copyright Treaty, WIPO Performances and Phonograms Treaty (WPPT)

1.0 Introduction

In the hierarchy of intellectual property rights infringements, piracy in the entertainment sector is considered to be particularly reprehensible because not only does it deny an artist the opportunity to reap the rewards of his labour, investment and creativity; it stifles inventiveness and entrepreneurship and thereby, potentially cripples a nation's economy. Piracy is the act or process of illegally copying and reproducing for commercial purposes, copyrighted materials such as music, films, online content, computer programs and books. Basically piracy is a form of copyright infringement in which the infringer exploits the creative output of a published literary, musical or artistic work in order to make profit. These works do not need to be registered with any agency or regulatory body before they are deemed to be copyright protected.

The essence of copyright laws is to strike a healthy balance between the competing interests of the owner of a copyright who spends time and effort in creating valuable original works and that of the general public who are entitled to legitimate access to such works. These competing interests were aptly provided in the Universal Declaration of Human Rights[1], Article 27(2) with

* Phd (Law), B.L., Head, Department of Commercial and Property Law, Nnamdi Azikiwe University, Awka, Nigeria, cs.ibekwe@unizik.edu.ng

** (LL.B (Hons); BL, Legal practitioner, postgraduate scholar at Nnamdi Azikiwe University, Awka, Anambra State). bomaowunabo@gmail.com, 08066604090.

[1]United Nations General Assembly (1948), Universal *Declaration of Human Rights* (217 [III] A). Paris.

respect to the interests of an author, provides that 'everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author'. Article 27(1) on the other hand, with respect to the interests of the general public provides that: 'everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.'

Not all works enjoy statutory protection under the Copyright Act;[2] rather, the Act lists the works which are eligible. In this respect, there are two copyright works which deal with music - musical works and sound recordings. Musical works was defined[3]as 'any musical work, irrespective of musical quality, and includes work composed for musical accompaniment'. This is the part of the song that is written down, it includes the notes on paper, the lyrics, the arrangement and anything else that can be viewed with the eyeballs.[4] Sound recordings on the other hand was defined[5] as '…the first fixation of a sequence of sound capable of being perceived aurally and of being reproduced but does not include a soundtrack associated with a cinematograph film'. This is the produced sound itself which is fixed in compact discs for sale to consumers or compressed into a small file to enable digital transmission and storage for example, MPEG-1 Audio Layer-3 (mp3). Basically, if a person were to write a song, such a person would have copyright over a musical work, where such a person goes on to record a version of the song, a second copyright would arise over the sound recording.

Being the most populous black nation in the world, Nigeria no doubt has an attractive market which is open for exploitation by the music industry. The feats of the new generation music artistes have also gone a long way in creating more exposure for the music industry in Nigeria. Just recently two Nigerian artistes – Ayo Balogun "Wizkid" and Damini Ebunuoluwa Ogulu, popularly known as "Burna Boy" won awards at the annual Grammys for the "Best Music Video" and "Best Global Music Album" respectively.

1.1 The Impact of the Internet on Audio File Piracy in Nigeria

The advent of the internet has had a huge influence on copyright and works eligible for copyright. With the use of search engines on the internet, access can be gotten to a myriad of copyrighted digital audio files readily available for free or paid downloads, online streaming or sharing. All one needs is a computer or smart phone and a good internet connection. The use and distribution of digital audio files on the internet when done legally, has created a platform for an increase in the revenue of artistes and recording labels.[6]

However, there have been incessant cases of unauthorized use of digital audio files on the internet without due regard to the copyright of the artistes and record labels, and this has led to loss of income to the content owner. While conceding that there must be a balance between the

[2]FO Babafemi *Intellectual Property: The Law and Practice of Copyright, Trade Marks, Patents and Industrial Designs in Nigeria* (Justinian Books Ltd. 1stEdn 2007) p 7

[3]*Ibid*, s.51(1)

[4] Jonathan Bailey *Music Licensing and Music Copyright 101*<https://www.plagiarismtoday.com/2017/09/26/music-licensing-music-copyright-101 > accessed March 17 2020>

[5]Cap C28 Laws of the Federation of Nigeria, 2004, s.51(1)

[6] Ibekwe C.S., Oko G.C., (2020) "Emerging Issues in Copyright Protection Law for Digital Innovations In Nigeria" 2(1)*International Review of Law and Jurisprudence* (IRLJ).83

rights of the owners of copyright over digital audio files, and the rights of the public to access these songs for their enjoyment, same must be done within the ambits of the law. Undeniably, there are new trends emerging from the use of musical works on digital platforms,[7] this paper would however be restricted to sound recordings and specifically digital audio files.

The protection of individual copyright ownership encourages creativity and innovation which benefit the society in the long term. Financial gain and personal recognition have always been keen driving forces behind the creative industry and without them, many would not bother to invest time, effort and money into the creation of new products. Moreover, where the efforts of genuine creators are exploited by pirates who take advantage of the relatively minimal cost of dubbing add mass producing low quality version (for the most part) of their works, it becomes even less attractive to make the effort to create something new.

2.0 Scope of Sound Recordings under the Nigerian Copyright Act

The Copyright Act[8] provides for the extent of the rights conferred on the owner of a sound recording. Generally, the owner of a copyright over a sound recording has the exclusive right to reproduce such sound recording in any form and sell or otherwise distribute copies of such music in various formats, make new works from the original work,[9] upload digital copies of the sound recording online vide a personal website or give licenses to other websites to do so for the public to download or stream for free or for monetary consideration. The exclusive right of a copyright owner over a sound recording to do this, gives such person the right to prevent others from exercising such rights without due authorization from the owner of the sound recording.

Copyright ownership over a sound recording vests in the artiste in whose name such recording was made unless there is a contract between parties providing otherwise.[10] The mischief sought to be cured by this provision of the Act, is to protect the performer (artiste) whose music was contained in the sound recording. The creation of a sound recording may involve more than one author. For instance, the performer may have his authorship in the performance of the sound which is recorded while the producer has a right to the actual recording and processing of the sound. The copyright may subsist in only one of them where the other makes little or no input to the resultant work. The sound recorded may not have been from a human performance, e.g., the sound of waterfall or a computer-generated sound or the producer's contribution to the recording may have been so insignificant as not to warrant a separate copyright.[11] Traditionally, a music artiste licenses some or all his copyrights over a song to a recording company and the record label collects royalties from proceeds of the song.

The duration of a copyright over a sound recording is 50 (fifty) years[12], after the end of the year in which the recording was first published. At the expiration of the statutory copyright period,

[7] Ibid

[8]Cap C28 Laws of the Federation of Nigeria, 2004, s. 7(1) (a)(b); *Island Records Ltd. &Ors v. Pandum Technical Sales & Services Ltd. & Anor.* (1993) F.H.C. 318

[9] Like remixes of the song

[10]Cap C28 Laws of the Federation of Nigeria, 2004, s.51(1)

[11]J O Asein, *Nigerian Copyright Law and Practice*(Books and Gavel Publishing 2012) p. 72

[12]Cap C28 Laws of the Federation of Nigeria, 2004, First Schedule

such sound recording enters the public domain and can be used by anyone without fear of copyright infringement.

3. The Evolution of Sound Recordings

The advent of the internet and technological advancement has no doubt wrought radical changes on the ways of doing things in the human society. In early times, sound recordings were recorded by mechanical devices and stored in discs. By 1925, sound recording became a mixture of mechanical and electrical devices but was still largely stored in wax discs. The next stage saw the use of magnetic tapes to store sound recordings. The 'digital era' saw the introduction of the Digital Compact Disc (CD) which became the most commonly used mode of storing sound recordings. Another advancement in technology led to the development of digital audio files like the MPEG-1 Audio Layer-3 (mp3) which is the most popular digital audio file on the internet, and other digital audio formats.[13]

The introduction of digital audio files, coupled with the availability of computers, phones and the internet has resulted in the near redundancy of CDs, very few persons are interested in getting physical copies of musical albums in the CD format when same is readily available for downloading and streaming on the internet. Indeed, at no other time in the global history of music as a cultural intellectual property asset has a vast catalogue of music been made available to consumers than with the advanced digital technologies of the current internet era.[14] The sheer diversity and ubiquity of available music in digital formats and platforms has not only created significant opportunities for music creators and consumers but also raised significant questions with far reaching legal, economic and technological implications for the variety of interests in the production and dissemination of music. Digital technology has dramatically changed the framework and balance of rights in music under traditional copyright law.[15]

The Disruptive Creative Economy Meeting (DCEM)[16] posited that digital distribution channels have now become the single largest source of almost all the income currently generated from recorded music in Nigeria. Digital music consumption in Nigeria overtook physical consumption circa 2013 and market revenues from physical sales, which have been declining steadily year on year, are now dropping to well below $10. For context CD sales at their peak in Nigeria generated just over $30m per year.[17]

4. Eligibility of Digital Audio Files for Copyright

Generally, copyright does not protect ideas and discoveries but may protect the form in which they are expressed. For any work to be eligible for copyright, it must pass the twin tests of originality and fixation. Originality entails that sufficient effort has been expended on making the

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[13] R Beardsley & D Leech-Wilkinson, 'A Brief History of Recording to ca. 1950',
AHRC Research Centre for the History and Analysis of Recorded Music (CHARM), (2009). https://charm.rhul.ac.uk/projects/p2.html, accessed March 20, 2020.

[14]AAdewopo 'Analysis of Copyright in Digital Music: Implications for New Media Licensing for Ringtones Under the Nigerian Copyright Act', (2017) Vol. 9 No. 1 *The Gravitas Review of Business & Property Law 1-23* at p. 1

[15] Ibid.

[16]Nigerian Recorded Music Industry Report(2015-2020) <https://dcemafrica.com/download/551/?uid=4f6dec2c71> accessed March 20, 2020

[17]*ibid*

work to give it an original character. Fixation entails that the work must be in a fixed and definite form.[18]

Even though the Act did not expressly mention sound recordings, it is the view of the author, that the principles of originality and fixation applies to sound recordings and by extension digital audio files. If originality were not taken into consideration with respect to sound recordings, then we would not have cases of artistes suing others for copying a substantial part of their songs. On whether digital audio files were contemplated by the Act, it is submitted that provision of the Act[19]on the nature of copyright provides that:

> "copyright in a sound recording shall be the exclusive right to control in Nigeria – (a)the direct or indirect reproduction, broadcasting or communication to the public of the whole or a substantial part of the recording either in its original form or in any form recognizably derived from the original". (Emphasis mine).

The Cybercrimes Act[20] also provides in its objectives that 'the objectives of the Act are to promote cyber security and the protection of computer systems and networks, electronics communications, data and computer programs, intellectual property and privacy rights'. (Emphasis mine).

It is also important to state at this juncture, that once a digital audio file is created, it is automatically inured with copyright and is eligible for protection. No further formality is required by the artiste or recording label who owns such digital audio file. This does not however stop an artiste or a record label from registering and giving notice of such copyright in a song. The advantage of giving such notice at the Nigerian Copyright Commission is that one's work is in the databank of the Commission and in the event of litigation or uncertainty, it could constitute *prima facie* evidence of the date of the existence of the work.[21]

On the international scene, the World Intellectual Property Organization treaties, finalized in Geneva in December 1996, set the framework for world digital copyright regimes. The WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) are referred to as the 'internet treaties'.[22] Pursuant to this, the United States enacted the US Digital Millennium Copyright Act and updated the United States Copyright Act. Sweden also enacted the Swedish Act on Copyright in Literary and Artistic Works. Nigeria has signed these treaties but has not domesticated them to form part of our laws, there is a need to do so to bring our copyright regime in line with the changing trends in the digital world. There has however been a proposed New Copyright Bill that bars circumvention of technological measures and alteration or falsification of electronic rights management information. It provides for notices to be given to service providers to take down materials infringing a person's copyright, where such an account refuses to take down an infringing material, after being notified, the account could be suspended.

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[18]Cap C28 Laws of the Federation of Nigeria, 2004, s.1(2)

[19]*ibid*s. 7

[20] Cybercrimes (Prohibition, Prevention, Etc.) Act, 2015, s 1

[21]Ola Olukunle, 'Evolution and Future Trends of Copyright in Nigeria' (2014) *Journal of Open Access to Law, Vol 2, No 1 (2014) , Available at SSRN: https://ssrn.com/abstract=2619040*

[22]See also the European Union Directive on Copyright in a Digital Single Market , the directive is to come into effect on 7th June 2021, and seeks to protected copyright works in digital forms including digital audio files.

5. Copyright Infringement of Digital Audio files

The Copyright Act[23] provides for infringement of copyright works. Infringement on the digital platform is determined by whether the character or context of use fits the nature of the exclusive rights as defined[24]. Copyright infringement over a digital audio file is infringed where a person creates, reproduces or distributes such music without the license or authorization of the owner of the copyright. A copyright owner whose right has been so infringed can enforce such right by instituting civil proceedings.[25]

The internet provides a ready availability of digital audio files to users who can access same through their laptops and mobile phones. The nature of new technology has facilitated the easy creation, reproduction and distribution of music files online without compensating the copyright holders and many websites and online platforms are known for this practice. There are several instances of websites putting up files for download and streaming without the consent of the owner. Digital audio files are one of the most pirated works online mostly because of the small size of mp3 files mostly less than 20 megabytes for single files.

Copyright infringement over digital audio files on the internet takes various forms to wit:

i. *Unauthorized conversion of CDs into digital audio files other than for personal use*: With the aid of laptops or other devices that can 'rip' a Compact Disc, it has become very easy to convert CDs containing music files into MP3 format or other digital audio formats and make same accessible on the internet. The owner of a CD can convert it to a digital format and use it solely for his personal enjoyment. However, converting such a CD and making same available to others without the authorization of the copyright owner constitutes copyright infringement.

ii. *Unauthorized hosting of digital audio files on the internet for streaming by users:* This is a common act by website and blog owners without the license of the copyright owner, upload digital copies of a song and make same accessible to the users to listen without downloading the song. The website owners generate revenue from the traffic on the website to listen to such songs.

iii. *Peer-to-peer (P2P) file sharing*: This allows users to access media files using a P2P software program that searches for other connected computers on a P2P network to locate the desired content.[26] It is a common form of copyright infringement over digital audio files.

iv. *Unauthorized hosting of digital audio files on the internet for downloads by users:* This occurs where a website or a blog makes available to users, copyrighted songs for free or paid downloads without the authorization of the copyright owner.

[23]Cap C28 Laws of the Federation of Nigeria, 2004, s.15(1)
[24]AAdewopo 'Analysis of Copyright in Digital Music: Implications for New Media Licensing for Ringtones Under the Nigerian Copyright Act', (2017) Vol. 9 No. 1 *The Gravitas Review of Business & Property Law 1-23* at p. 4
[25]Cap C28 Laws of the Federation of Nigeria, 2004, s. 16(1)
[26]<https://en.m.wikipedia.org/wiki/Peer-to-peer_file_sharing>accessed 24 May 2021

v. Unauthorized sharing of digital audio files on social media platforms e.g.,WhatsApp, Facebook, Twitter etc.

The first major threat of piracy on digital audio files was that of Napster owned by Shawn Fanning, it was founded in 1999 as a pioneering peer-to-peer (P2P) file sharing internet software that emphasized sharing digital audio files, typically audio songs encoded in MP3 format.[27] The technology allowed Shawn Fanning to create a platform where users with the Napster software could search for and download music from other users. In *A & M Records, Inc. v. Napster, Inc.*,[28] Napster was held liable under the United States Digital Millenium Copyright Act (DMCA) for copyright infringement. The United States Court of Appeal for the Ninth Circuit upheld the decision of the District Court. There have also been suits against Grokster, Morpheus, Kazaa and LimeWire.[29]

In Nigeria, the Federal High Court has held[30] that downloading of songs were acts of reproduction, where the accused was found to be downloading music from the internet into his computer and subsequently making physical copies in CDs for commercial purposes. There is no doubt that uploading unlicensed digital audio files for downloads on the internet constitute infringement of copyright.

There is no doubt that the digital space is an avenue which can be gainfully exploited by music artistes to further their career both financially and for popularity. There are instances where upcoming music artistes pay to have their songs broadcasted on radio stations to the public, same goes with the internet, as artistes can provide their songs for free (or even pay) to blogs, social media platforms and websites to publicize the songs and create a yearning for them by the populace.

On micro-blogging platforms, Twitter, for instance, it is the practice for artistes to pay popular users called 'influencers' to hype, promote and publicize their upcoming songs or albums and make it trend on Nigerian Twitter. Nigerians who gullibly follow the crowd, no doubt get seduced by this buzz and look forward to the release of these songs and albums. However, the issue is that when these songs which are the result of intellectual hard work by musical artistes are finally released, a cursory search on Google would refer users to free download sites where these songs can be downloaded or streamed for free. There is no doubt that this occasions injustice on the artiste or their record labels who have invested majorly in the production of these digital audio files.

Following the notorious Napster case, the need to create an easy way for users to access their favorite songs online legally was brought to bear. Some entrepreneurs have taken advantage of this and are today top of the world streaming platforms. *Youtube, Apple* and *iTunes Store* provide for a Digital Rights Management System (DRMS) that encourages automatic revenue to owners

[27] SE Siwek, "The True Cost of Sound Recording Piracy to the U.S. Economy," (2006) Institute for Policy Innovation, Policy Report 186. Retrieved from https://www.ipi.org/ipi_issues/detail/the-true-cost-of-sound-recording-piracy-to-the-us-economy. See also <https://en.m.wikipedia.org/wiki/Napster>accessed 24 May 2021

[28] 239 F. 3d 1004(2001)

[29] Op cit.

[30] *Nigerian Copyright Commission v. Ononuju* (FHC/IL/1C/2013)

of copyright over digital audio files based on streaming, sharing or downloads. *Spotify* is another online music platform from Sweden, it is a music streaming service that has seen recent success in the digital music market, having licensing deals with all the major record labels as well as numerous independent labels. In 2015, the first Nigerian-based standalone streaming platform, *Boom Play*, entered the marketplace. It generated estimated total subscription revenues of close to N1.5b in 2018.[31] Ordinarily this legal avenue for creation of revenue for both the entrepreneurs and the artistes, should obviate the need for copyright infringement.

Notwithstanding the above, most of the music blogs dealing with digital audio files in Nigeria still engage in unauthorized distribution of same while no doubt benefiting from the web traffic caused by users who are interested in such songs. These online copyright infringers are pirates in every sense of the word. The consequence of these online pirates is that persons are discouraged from visiting the legitimate sites where they would be required to pay for these music files, and rather opt to obtain it for free. The impression created is that any digital audio file can be obtained online for free. The audacity of these online pirates is even made more glaring when one considers that some sites even edit the digital audio files to add the names of the sites to the audio as an intro. It is common to download files from sites like *naijaloaded.com*, when played, the first thing that is heard is 'naijaloaded.com'. The level of illiteracy in Nigeria is such that the operators of these websites may be ignorant of the fact that their acts in distributing the works of music artistes online for free is illegal and amounts to copyright infringement, ironically, they might even believe they are doing great service to the public by ensuring the availability of such digital audio files. The revenue which should have accrued to artistes rather goes to advertisement sites as before some songs are downloaded, persons are required to click on some websites. The website owners benefit from click to earn and traffic.

6. Enforcement of Copyright Infringement over Digital Audio Files

There is indubitably an urgent need to clamp down on these pirates on the internet involved in the illegal sharing of digital audio files to protect the interests of the music artistes. A holder of copyright over a song, can institute an action at the Federal High Court to enforce his rights in a case of infringement by another person.

Actions for infringement of copyright could be carried out vide civil and criminal actions simultaneously[32].The owner of a digital audio file who claims his exclusive rights over the use of same has been infringed by someone, may file an action at the Federal High Court claiming for damages, injunction and/or account. In Nigeria, just recently legendary artiste Onyeka Onwenu[33] filed a suit challenging copyright infringement over her songs by Iroking, she claimed Iroking profited from the sale of her songs even after the two-year contract it signed with her had elapsed. Iroking claimed to have pulled down the works of the Plaintiffs from its digital platform on iTunes, the Court on the 16th day of January 2020 entered judgment in favour of Onyeka Onwenu, and awarded N500, 000.00 damages against the Defendant.

[31]Disruptive Creative Economy Meeting (DCEM), Nigerian Recorded Music Industry Report(2015-2020) <https://dcemafrica.com/download/551/?uid=4f6dec2c71> accessed March 20, 2020 `

[32]Cap C28 Laws of the Federation of Nigeria, 2004, s.24

[33]Suit No. FHC/L/CS/1486/2017 between *OnyekaOnwenu& Anor. V Iroking Limited*

It is pertinent to note that ignorance could be a raised as defense to copyright infringement. However, it must be proved that at the time of the infringement, the Defendant was unaware and had no reasonable grounds to suspect that copyright subsisted in the work. In such a case, the owner of a digital audio file is not entitled to damages, but rather the Defendant would be ordered to account for the profits he had made from the infringement.[34]The criminal prosecution is handled by Nigerian Copyright Commission [35] as it relates to digital audio files.

Despite the lauded efforts of the Nigerian Copyright Commission to combat piracy, the efforts seem concerted on physical piracy, a lot needs to be done with respect to digital files hosted virtually on the internet. Although copyright infringement over digital audio files remains a cancer in the music industry, other jurisdictions have recorded successes against websites involving in unauthorized sharing of digital files as seen in the Napster case above.

7. The Proposed Copyright Bill 2015

While the extant Copyright Act provides for the protection of copyright over sound recordings, it still does not adequately provide for and cover the modern realities of the current digital era. In a bid to bring the Copyright Jurisprudence in Nigeria in tandem with modern realities, the Nigerian Copyright Commission championed a reform of the current Act which resulted in the Copyright Bill 2015 which contained provisions governing copyright provisions on digital platforms. The Bill made provisions for current social changes, specifically the digital era, which the current Act does not provide for.

The highlights of the Bill amongst others include:

i. Provision for anti- piracy measures to deal with circumvention of technology protection measures.[36]
ii. Provision that no persons other than the content owner can use technology to sell, reproduce or offer to the public or traffic content that he is not the owner.[37]
iii. Stoppage of persons other from the content owner from selling or altering electronic rights management. Anybody caught will be liable of infringement.[38]
iv. Most profound in the Bill is Part VII as it addresses how to deal with dissemination of information / content in the digital era.
v. Provision of the content owner to write a notice to the Internet Service Provider (ISP) and alert them of the alleged infringement.[39]
vi. It mandates the ISP to notify the alleged infringer within 10 days of the notice to take down the content.[40]
vii. It makes provisions absolving the ISP of any loss the content owner might have suffered as a result of the infringement.[41]

[34]Cap C28 Laws of the Federation of Nigeria, 2004, s. 16(3)
[35]*Ibid* s.20
[36]Copyright Bill 2015, S. 43
[37]Copyright Bill 2015, S.44
[38]Copyright Bill 2015, S. 45
[39]Copyright Bill 2015, S. 47
[40]Copyright Bill 2015, S. 48
[41]Copyright Bill 2015, S. 51

viii. It allows for the content owner to seek out the identity of the alleged infringer.[42]

ix. It provides for the Copyright Commission to directly, or with the help of the content provider, disable or block the content associated with the infringer.[43]

8. Conclusion and Recommendations

The effect of copyright infringement over digital audio files cannot be overemphasized, it discourages artistes and investors in their talents, illegal downloads prevent proper remuneration to these artistes. Although infringement remains a significant issue for copyright owners, the development of digital audio has had considerable benefits for consumers. Thanks to digital audio files, the average person can have albums and thousands of songs on his laptop or phone and access same with ease. There is however the need to respect the rights of the copyright owners in these digital audio files, if we must use and distribute such files, it should be done by legal means. Websites and music blogs can work with artistes and record labels to obtain licenses to use, distribute and share digital audio files. If everyone adheres to the rules of copyright over digital audio files, it would be a win-win situation for all parties involved.

To help in the fight against copyright infringement over digital audio files on the internet, users or consumers should be educated to understand that digital audio files are copyright works which come with a price. Failure to pay that price deprives the artistes of their legal and moral entitlements; it hurts artistes, job growth and the economy. It is further recommended that the proposed Copyright Bill 2015 be passed into law, with a few necessary amendments. Ratification of relevant international treaties[44]by Nigeria would afford a better protection of digital audio files on the internet.

Google and other search engines should be more responsible in allowing piracy websites appear on their searches. They should reduce their prices or utilize subscription-based services such as *BoomPlay* for premium content to convert non-paying customers to regular paying customers[45]. The use of Digital Rights Management (DRM) technologies specifically developed to prevent copyright infringement of digital files. *Spotify* for example adds a DRM layer to streamed songs which prevents their subscribers from listening to the songs anywhere besides Spotify apps.

A specialised collecting society to monitor copyright infringement over digital audio files on the internet should be established. It could be a subsidiary of the Musical Copyright Society of Nigeria (MCSN). Individual artistes and record labels are encouraged to be more proactive in filing suits against infringing pirate sites. In doing so, resort can also be had to the Cyber Crimes Act.[46]

[42]Copyright Bill 2015, S. 53
[43]Copyright Bill 2015, S. 54
[44]12(1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended)
[45]AdavizeAlao: Intellectual Property Right Infringement in Nigeria: How to stop online Piracy <https://www.lawyard.ng/adavize-alao-intellectual-property-right-infringement-in-nigeria-how-to-stop-online-piracy/amp/#_ftn1> accessed March 20, 2020
[46]Cybercrimes (Prohibition, Prevention, Etc.) Act, 2015