

A BILL

FOR

AN ACT TO AMEND THE COPYRIGHT ACT CAP. C28 FOR THE PURPOSES OF MAKING PROVISIONS FOR WORKS ON THE INTERNET IN WHICH COPYRIGHT SUBSISTS, PROHIBIT THE INFRINGEMENT OF SUCH WORKS, PRESCRIBE PENALTIES FOR AND FOR OTHER MATTERS CONNECTED THERETO

Sponsored by Senator Fatima Raji Rasaki

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

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|----|---|--------------------|
| 1 | 1. The Copyright Act in this Act referred to as the "Principal Act" | Amendment of |
| 2 | is hereby amended as set out under this Act. | Cap. C28, 2004 |
| 3 | 2.-(1) Section 6 of the Principal Act is amended by inserting the | Insertion of |
| 4 | following new subsection (1) (d) that is- | subsection (1) (d) |
| 5 | (d) In the case of works on the internet in which Copyright subsists | |
| 6 | to do or authorize the doing of any of the following acts, that is- | |
| 7 | (i) Post or publish the work on the internet; | |
| 8 | (ii) Sell the work through the internet platform; | |
| 9 | (iii) Distribute to the public through the internet for commercial | |
| 10 | purposes, copies of the work, by way of rental, lease, hire, loan or similar | |
| 11 | arrangement. | |
| 12 | (iv) Make any adaptation of the work. | |
| 13 | 3. There is inserted, immediately after the existing section 15 (1) | Insertion of |
| 14 | (g) of the Principal Act, the following new subsection (1) (h), (i) and (j). | subsection (1) |
| 15 | (h) Any work published on the internet including images, sound, | (h) (i) and (j) |
| 16 | print, photo, music, email, web page and links in which copyright subsists is | |
| 17 | protected in accordance with the provisions of this Act. | |
| 18 | (i) Where any work posted or published on the internet in which | |

1 copyright subsists is infringed upon, the original complaint shall be filed with
2 the Nigerian Copyright Commission prior to any other charges or law suit
3 being filed for such an infringement.

4 (j) Where any work on the internet in which copyright subsists is
5 infringed upon, stolen, accessed or copied for commercial purposes contrary to
6 the provisions of this Act, the infringer is liable to 3 years imprisonment or a
7 fine not exceeding N10,000,000 (Ten million Naira).

Insertion of
section 15 (2) (c)

8 4. There is inserted, immediately after the existing section 15 (2) (b)
9 of the Principal Act, the following new subsection (2) (c):

10 (2) (c) Internet service providers are protected in accordance with the
11 provisions of this Act, as computer automatically makes a copy of every page
12 visited, which is stored temporarily as RAM or longer as cached page:

13 (i) However, where the internet service provider is aware of a
14 customer infringing upon rights of a work which copyright subsists, the
15 internet service provider must report the customer to the appropriate authority;

16 (ii) Where the internet service provided fails to report such
17 infringement, he shall be as liable as the customer who has infringed on the
18 work.

Interpretation

19 5. There is inserted immediately after the existing section 51 (2) of
20 the Principal Act, the following new subsection (3):

21 "RAM" means Random Access Memory and it is a form of computer data
22 storage which allows stored data to be accessed in any other form.

23 "Internet Service Provider" means a company that offers its customer access to
24 the internet. The internet service provider connects to its customers using a data
25 transmission technology appropriate for delivery internet Protocol datagram,
26 such as dial-up, cable modem, wireless or dedicated high-speed interconnects.

27 "Cache Page" means a snapshot of the majority of web pages collected during
28 crawling of the web and is stored in the search engine. These pages are saved or
29 "cached" as a back-up in case the original page is unavailable.

- 1 6. This Bill may be cited as the Copyright Act (Amendment) Bill, Citation
2 2018.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Copyright Act Cap. C28 for the purposes of making provisions for works on the internet, in which copyright subsists, prohibit the infringement of such works, prescribe penalties for and for other matters connected thereto.

