

## The Beat vs the Law: Copyright Compliance for Disc Jockeys in Nigeria

By David Ekanem and Charles Anorundu



Image credit: Meta AI

### Introduction

The rapid expansion of Nigeria's music industry is not only a cultural milestone but also a strategic asset in the country's economy. As global demand for Nigerian music surges, particularly through digital platforms like Spotify, royalty inflows are injecting valuable foreign exchange, stimulating ancillary industries such as audiovisual production and merchandising, and generating employment across creative and technical sectors. In 2024 alone, Nigerian artists earned over ₦58 billion (approximately \$38 million USD) in royalties from Spotify, a fivefold

increase from 2022.<sup>1</sup> According to Statista, the eCommerce segment of Nigeria's music market (which includes online sales of physical music formats) has been projected to reach \$186,060 USD in 2025. This is a relatively small portion, indicating that most revenue comes from streaming, live performances, endorsements, and licensing rather than physical sales.<sup>2</sup> These figures highlight the music sector's pivotal role in Nigeria's creative economy and its expanding global footprint.

The intersection of creative expression and intellectual property protection has become increasingly complex in Nigeria's rapidly evolving entertainment sector. The Nigerian Copyright Commission's (NCC) recent warning to Disc Jockeys (DJs) represents a significant regulatory milestone that underscores the growing importance of copyright compliance in the music industry.<sup>3</sup> This development reflects broader international trends towards strengthening intellectual property enforcement while addressing the unique challenges posed by digital music distribution and public performance of musical works in developing economies.

The emergence of DJs as cultural intermediaries has fundamentally transformed how musical works reach audiences, creating new dynamics between rights holders, performers, and the consuming public. However, this transformation has occurred largely without corresponding enforcement of existing legal frameworks to regulate the relationship between DJs and copyright owners. The NCC's intervention seeks

<sup>1</sup>Ajilore Opeyemi, Nigeria's Music Industry Soars: Analysing the Drivers and Implications of Spotify's N58 Billion Royalty Milestone. (Techuncode - Blog). Accessed from <https://techuncode.com/nigerias-music-industry-soars-analyzing-the-drivers-and-implications-of-spotifys-n58-billion-royalty-milestone/> on 8<sup>th</sup> July 2025.

<sup>2</sup> Statista, Music – Nigeria. Retrieved from <https://www.statista.com/outlook/emo/media/music/nigeria> on 8<sup>th</sup> July 2025.

<sup>3</sup> Vanguard, "NCC warns DJs against performing others' music publicly without license" 4<sup>th</sup> June 2025. Retrieved at <https://www.vanguardngr.com/2025/06/ncc-warns-djs-against-performing-others-music-publicly-without-license/amp/> on 6<sup>th</sup> June 2025

to address this regulatory enforcement gap by spelling out the existing legal obligations incumbent upon DJs when performing copyrighted works in public venues. This approach aligns with the implementation of the Copyright Act, 2022, and the subsequent Collective Management Regulations (the Regulation), 2025, which together establish a modernised framework for rights administration.

The collaboration between the Musical Copyright Society of Nigeria (MCSN) and the Disc Jockeys' Association of Nigeria (s), formalised through a 2024 Memorandum of Understanding, provides a template for industry-led compliance solutions.<sup>4</sup> However, the success of these measures depends on effective implementation across Nigeria's fragmented entertainment landscape, where unauthorised music use remains entrenched.

### Legal Framework for Public Performance of Music in Nigeria

The legal foundation for public performance rights in Nigeria rests primarily upon the Copyright Act, 2022, which provides comprehensive protection for various categories of creative works, including musical works and sound recordings. The Act represents a significant evolution from previous copyright legislation, incorporating modern technological considerations and aligning Nigerian law more closely with international copyright standards. Under this framework, copyright owners possess exclusive rights to control the public performance of their works, a principle that extends to all forms of public presentation, whether in commercial venues, entertainment facilities, or broadcast media.

Section 9 of the Nigerian Copyright Act confers on copyright owners of musical works the exclusive right to perform their compositions publicly, communicate the work to public and make the work available to the public by wire or wireless means. Similarly, Section 12 extends this protection to the owners of sound recordings. Together, these provisions underscore a fundamental principle: any public performance of a protected work requires prior authorisation from the copyright owner or their licensed representative.

A person who, without proper authorisation, exercises any of the exclusive rights of a copyright owner, their assignee, or exclusive licensee, commits an act of infringement and may be subject to civil and/or criminal liability. The enforcement of these rights is further addressed in Section 36(e) of the Act, which stipulates that copyright is infringed when an individual, without the permission of the copyright owner, permits a public place, such as a business or entertainment venue, to be used for the public performance of a protected work. Importantly, the provision introduces a safeguard whereby there is no infringement where the person permitting the use of the venue was genuinely unaware and had no reasonable grounds to suspect that the performance would infringe copyright.

Notably, the Nigerian Copyright Act does not define "public performance", leaving room for interpretative uncertainty. However, a contextual reading of Section 36(e) implies that "public performance" refers to performances occurring in business or entertainment venues. This narrow construction potentially limits the scope of actionable infringement under Nigerian law.

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<sup>4</sup> Vanguard, NCC warns DJs against performing others' music publicly without license (June 4, 2025). Retrieved at [https://www.vanguardngr.com/2025/06/ncc-warns-djs-](https://www.vanguardngr.com/2025/06/ncc-warns-djs-against-performing-others-music-publicly-without-license/)

[against-performing-others-music-publicly-without-license/](https://www.vanguardngr.com/2025/06/ncc-warns-djs-against-performing-others-music-publicly-without-license/) on 6th June 2025.

This stands in contrast with the UK Copyright, Designs and Patents Act 1988, which, while also not defining "public performance" per se, offers a broader definition of "performance" in Section 19(2). According to that provision, performance includes lectures, addresses, speeches, and sermons, and more generally, any mode of visual or acoustic presentation, including presentations via sound recordings, films, or broadcasts. The UK approach arguably adopts a more expansive view of what constitutes performance, extending the reach of copyright protection beyond commercial or entertainment settings.

To address the practical challenges of obtaining individual permissions for the public use of musical works, the Copyright Act recognises the need for collective rights management. It provides a framework for the licensing and enforcement of rights through approved Collective Management Organisations (CMOs). These bodies serve as intermediaries, issuing blanket licences to users and ensuring that creators and rights holders receive fair compensation. This system strikes a balance between the rights of copyright owners and the operational convenience of businesses, thereby enhancing compliance and enforcement.

The Regulation 2025 introduces critical updates to Nigeria's copyright administration system, particularly through enhanced oversight of CMOs.<sup>5</sup> Under Section 88 of the Act, MCSN as a CMO approved by the NCC retains authority to license musical works and sound recordings, preventing market fragmentation that could complicate compliance for music users. The Regulations mandate transparent royalty distribution practices, requiring CMOs to submit quarterly reports to the Copyright Commission and conduct annual

audits, measures designed to build trust among rights holders and licensees.<sup>6</sup>

A landmark development in this framework is the recognition of digital performance rights, addressing gaps in previous legislation that failed to account for streaming platforms and virtual events. This expansion reflects Nigeria's response to the global shift toward digital content consumption, ensuring rights holders benefit from new revenue streams in the digital economy. The DJ industry's response to these new compliance requirements will likely serve as a bellwether for broader copyright enforcement efforts across Nigeria's entertainment sector.

### Legal Obligations of DJs Under the Copyright Act

DJs operating within Nigeria's entertainment industry bear specific legal obligations under the Copyright Act, that extend far beyond simple music selection and performance. The Act requires that DJs obtain proper authorisation from copyright holders before publicly performing musical works or sound recordings to which they do not hold the copyright. Such performances without authorisation constitute a breach of copyright law. This requirement applies regardless of the venue type, encompassing hotels, event centres, clubs, recreational facilities, and any other location where music is performed for audiences beyond immediate family or social circles.

The legal framework recognises that DJ performances involve multiple, concurrent uses of copyright-protected content. Playing recorded music in a public venue constitutes both a public performance of the underlying musical work and a communication to the public of the sound recording. As such, DJs must obtain licences that cover both the rights of composers and music publishers (compositional rights) and the rights of performers and record labels (neighbouring

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<sup>5</sup> Regulation 2 of Collective Management Regulations, 2025

<sup>6</sup> Regulation 23 of Collective Management Regulations, 2025

rights). The overlap of these rights underscores the need for comprehensive licensing arrangements that fully address all relevant copyright interests.

Failure to obtain required authorisation exposes DJs to both civil and criminal liability under the Copyright Act.<sup>7</sup> The criminal provisions specifically provide for fines of not less than N1,000,000 (one million naira) or imprisonment for a term of not less than five years, or both penalties simultaneously. The severity of potential sanctions emphasises the importance of proactive compliance measures rather than reactive responses to enforcement actions.

There is a reported Memorandum of Understanding between MCSN and DJAN that represents a progressive step toward structured copyright compliance in the DJ industry.<sup>8</sup> It provides a cooperative framework for licensing and accreditation that acknowledges DJs' vital role in music promotion while protecting the rights and earnings of creators. By embracing this agreement, DJAN signals a growing commitment within the industry to professionalism and legal accountability.

### **Regulatory Enforcement and Compliance Measures**

The NCC's announcement of 4<sup>th</sup> June 2025 regarding enhanced enforcement signals a significant shift towards active protection of copyright interests rather than passive reliance on rights holders to pursue individual remedies.<sup>9</sup> This proactive approach reflects international best practices in copyright

administration while addressing the particular challenges posed by widespread unauthorised use of musical works in Nigeria's entertainment sector. The Commission's strategy emphasises both deterrent effects of criminal prosecution and educational initiatives designed to promote voluntary compliance among industry participants.

The introduction of the Regulations provides additional regulatory infrastructure supporting enhanced enforcement capabilities. These regulations establish comprehensive oversight mechanisms for CMO operations while strengthening the legal framework governing licensing and royalty collection activities. The new regulatory structure enhances transparency and accountability in rights administration while providing clearer guidance for music users seeking to achieve compliance with copyright requirements.

Enforcement strategies announced by the NCC include systematic monitoring of entertainment venues and events to identify unauthorised music use, with particular attention to commercial establishments that rely heavily on recorded music for customer attraction and retention.<sup>10</sup> This comprehensive approach recognises that effective copyright protection requires sustained monitoring efforts rather than sporadic enforcement actions that may have limited deterrent effects. NCC's commitment to regular enforcement activities creates predictable consequences for non-compliance while providing clear incentives for proactive licensing.

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<sup>7</sup> Section 44(7) of the Copyright Act 2022

<sup>8</sup> Leadership News, "MCSN, DJAN Sign Pact to Protect Copyright Law" (Leadership News - January 2025. Retrieved from <https://leadership.ng/mcsn-djan-sign-pact-to-protect-copyright-law/> on 6<sup>th</sup> June 2025.

<sup>9</sup> Copyright Commission Warns Against Unauthorised Music Performance, (VON, June 5, 2025). Retrieved at Retrieved at

<https://von.gov.ng/ncc-cautions-against-music-performance-without-authorization/> on 6<sup>th</sup> June 2025.

<sup>10</sup> Vanguard, "NCC warns DJs against performing others' music publicly without license" 4<sup>th</sup> June 2025. Retrieved at <https://www.vanguardngr.com/2025/06/ncc-warns-djs-against-performing-others-music-publicly-without-license/amp/> on 6<sup>th</sup> June 2025



The regulatory framework also emphasises education and outreach as essential components of a comprehensive enforcement strategy. Rather than relying solely on punitive measures, the Commission has indicated a willingness to work with industry associations and CMOs to develop awareness programs that help DJs and venue operators understand their legal obligations. This educational approach recognises that many instances of non-compliance may result from ignorance rather than deliberate infringement, suggesting that information dissemination can achieve significant improvements in voluntary compliance rates.

### **Persistent Challenges for DJs in Nigeria and Monitoring Difficulties**

Copyright compliance in rural Nigeria and villages faces significant challenges due to low awareness of the Copyright Act, 2022, a fragmented and informal DJ industry, and widespread socio-economic constraints. Many rural DJs operate independently, often unaware of licensing requirements, and are deterred by the cost and complexity of compliance. Weak regulatory presence, limited enforcement capacity, poor collaboration with local law enforcement, and a lack of access to digital infrastructure further hinder effective monitoring. Additionally, cultural acceptance of piracy and the absence of local intermediaries make it difficult for regulatory bodies like the NCC and MCSN to enforce copyright laws or collect royalties in dispersed, low-budget event settings.

Moreover, the sheer geographic expanse and population dispersion of rural Nigeria render centralised monitoring impractical. The Commission's capacity to conduct random checks or respond to infringement reports is severely constrained outside major cities, allowing

unauthorised performances to persist with minimal risk of detection or sanction.

### **Conclusion**

The NCC's intervention in the DJ and event industry represents a watershed moment for intellectual property enforcement in Nigeria's creative economy. The NCC's clear articulation of legal requirements, combined with the establishment of cooperative frameworks between MCSN and DJAN, creates unprecedented opportunities for sustainable resolution of copyright compliance challenges that have long plagued the entertainment sector. This regulatory development reflects Nigeria's growing sophistication in intellectual property administration and commitment to supporting creative industries through robust legal protection.

The success of these new compliance measures will ultimately depend upon sustained commitment from all stakeholders, including DJs, proprietors of venues where DJs perform, rights holders, and regulatory authorities. The collaborative approach embodied in the DJAN-MCSN partnership offers a promising model for industry self-regulation that balances commercial viability with respect for intellectual property rights. However, the effectiveness of this framework requires ongoing monitoring and adaptation to address emerging challenges in Nigeria's rapidly evolving entertainment landscape.

Looking ahead, the continued evolution of copyright framework in Nigeria will require sustained engagement among industry stakeholders, regulatory authorities, law enforcement agencies, and international partners. As technological advancement and shifting consumption patterns present new challenges, there is a pressing need for coordinated action to strengthen compliance and enforcement, particularly within DJs in Nigeria and event industry.

## The Beat vs the Law: Copyright Compliance for Disc Jockeys in Nigeria

Key priorities should include:

- **Expanded educational outreach and targeted awareness sessions** led by NCC to improve understanding of copyright obligations and rights among DJs, event organisers, and venue operators;
- **Increased collaboration with law enforcement agencies** to support the investigation and prosecution of copyright infringement;
- **Investment in digital monitoring technologies** to detect unauthorised use of copyrighted works; and

- **Improved access to licensing mechanisms** to facilitate legal music use through simplified, transparent processes.

By fostering inter-agency cooperation and cultivating a culture of copyright respect, these efforts will enhance the integrity and sustainability of creative economy in Nigeria.

### Contact persons for this article



**David Ekanem**

**Associate**

[davidekanem@sskohn.com](mailto:davidekanem@sskohn.com)



**Charles Anorundu**

**Associate**

[charles@sskohn.com](mailto:charles@sskohn.com)

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#### Contact us at:

16D Akin Olugbade Street  
(Off Adeola Odeku Street)  
Victoria Island, Lagos

**Tel:** +234 915 119 4092; **Fax:** +234 1 271 2277

**Email:** [info@sskohn.com](mailto:info@sskohn.com); **Website:** [www.sskohn.com](http://www.sskohn.com)