



Piracide: Killing Piracy before it Kills the Nigerian Film Industry

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Abstract

Pesticides are chemical combinations used to eliminate pests from plants and crops. 'Piracide' is a similar tool, only that piracide targets piracy which has the power to cripple any work of creativity, this time, the Nigerian Film Industry. Therefore Piracide aims at crippling piracy before it cripples the Nigerian Film economy. This paper traces the history of the Nigerian Film Industry and uses it to investigate the entry of piracy into the Industry. We discover that piracy was innocently welcomed by the Nigerian cinema audience during the post-independence days. Now it has spread its roots deep in the Nigeria Film Industry. Infact, piracy has become a culture that Nigerians have come to get used to, both the elite and the non-elite. It has become a visitor turned landlord. This discourages investment in movies as the gross profit and box office success of films turns out lower than it should be. This paper examines the current trends of film distribution in Nollywood and also attempts to initiate an alternative means of film distribution and exhibition. It also emphasises the need to take innovative steps to ensure that the new trend becomes ingrained in the laws of the land, and the psyche of the people. It also suggests that an inter-agency task force should be put in place solely to monitor, investigate and prosecute culprits of Film Piracy. The authorities should also partner with novel digital forms like YouTube and other popular video-streaming sites to enforce proper regulations and profit-sharing system.

Key Words: Piracide, Piracy, Nigerian Film Industry

Introduction

The film industry of Nigeria has gone through various stages of development. Each era or stage of development came with its mission, vision, style and structure on which it operated. Unfortunately, since the parturition and proliferation of the Nigeria Film Industry, piracy has been the leech that has refused to go away.

Piracy in the context of movie production is remarkably difficult to define as no definition has been universally agreed upon. However, Piracy can be viewed through the lens of the Intellectual Property laws and protections as all legal and economic use of the term 'Piracy' has its basis in that law. The Intellectual Property law itself is also complicated because it defies geographical scope, but spans through national, regional, and international boundaries as well as judicial rulings and other precedents.

Bentley and Sherman (2001, pp 1-2; WIPO, 2001, p. 3) posit that Intellectual Property can take a number of recognized forms – patents, trademarks,

trade secrets, industrial designs and, crucially for us, copyright. Copyright, in essence, establishes the holder's (e.g. a filmmaker's) rights over a particular form of original expression. Items that fall under copyright include written “literary works; musical works; artistic works; cinematograph films; sound recordings; and broadcasts” (Nigerian Copyright Act, 1999, p. 3). As the name implies, copyright grants the sole authority of reproducing, recreating, or copying these artistic works to the holder of the work. No one else is allowed to distort, imitate, or reproduce the work without the consent of the copyright holder. Piracy is a situation where this is done. Where a person who did not create a copyrighted work or content goes on to imitate or reproduce it, without the consent or permission of the copyright holder, he or she has engaged in Piracy. The Nigerian Copyright Act (1999, p. 8) states that the following activities can be regarded as infringement when done without the permission of the producer: “making a copy of the film; causing the film to be seen and heard in public; making and

using a recording of the sound track of the film; distributing copies of the film for commercial purposes by way of rental, lease, hire, loan or similar arrangement". Intellectual properties are often immaterial, like a story, an article, a painting, a movie, etc. However, if any of these are reproduced without the consent of the original copyright holder, then piracy has occurred. It is also important to note that the purchase of these materials does not relinquish the copyright of the creator to the buyer. For example, if one purchases a painting, only the copy which is purchased does one own. The right to reproduce it or show it to an audience in a movie does not go along with the sales/purchase of the painting. Yar (2005, p. 679) supports this assertion by stating that one is "legally prohibited from copying, distributing or performing the content without authorization from the holder and the payment of some agreed compensation". Yar sums it up that 'piracy' is an infringement of copyright (also known as 'copyright theft' and 'Intellectual Property theft').

This has been the trend in the Nigerian movie industry. Due to this menace producers end up losing a larger chunk of their investment to pirates across the country, which ends up affecting the gross profit and box office success of a film. Many a time, loyal and long-time fans of the movie industry no longer have access to their preferred movies upon relocation to a new country or even a different part of their country. This happens when a filmmaker follows the legal path to film distribution in Nigeria which has been found to be inadequate in satisfying the demand for movies. This gap in production is seen by prospective pirates who jump at this 'opportunity' to 'bridge' the gap and make some cash. Unfortunately, the line between legality and illegality is crossed when these people do not take permission or sign partnership with the original owners of the works being reproduced. Rather, they resort to producing these works in large quantities, selling in ridiculously cheap prices due to low quality production thereby attracting buyers to themselves to the moral, financial, and artistic detriment of the original owners. Yar (2005, pp. 680-681) again touts this line of thought when he states

that "the rise of film 'piracy' can be explained by highlighting a number of socio-economic, cultural, political and technological changes that, in combination, create both the demand for such products and the means by which it can be more readily satisfied". Oludayo and Mimah (2017, p. 5) describe piracy in the bluntest term, as "theft".

It is also believed that piracy thrives in many parts of the world because the original copies of movies are scarce and expensive. In Nigeria, an average original copy of a movie (DVD) sells for N2,500 (\$6.93) while the pirated copies of these same movies are sold for as little as N150, N100 (< \$1). This situation is not limited to Nigeria alone. Karaganis (2011, p. 2) explains why pirated movies then become attractive in other parts of the world:

High prices for media goods, low incomes, and cheap digital technologies are the main ingredients of global media piracy. If piracy is ubiquitous in most parts of the world, it is because these conditions are ubiquitous. Relative to local incomes in Brazil, Russia, or South Africa, the price of a CD, DVD, or copy of Microsoft Office is five to ten times higher than in the United States or Europe. Licit media goods are luxury items in most parts of the world, and licit media markets are correspondingly tiny. Industry estimates of high rates of piracy in emerging markets—68% for software in Russia, 82% for music in Mexico, 90% for movies in India—reflect this disparity and may even understate the prevalence of pirated goods.

Piracy is also common because it is so easy to start. Treverton et al. (2009, p. 27) describe how easy it is to start the piracy business using the optical-disc model, which is commonly used in Nigeria:

Virtually anyone can start an optical-disc counterfeiting operation. Someone with several hundred dollars can begin a mini-piracy operation with a few hundred blank optical discs, DVD burners that cost less

than \$100 each from a local computer store, and legal movie discs that cost less than \$20 each from a retail store, although many pirated movies can also be obtained at no cost over the Internet.

In this work, we define Piracy as the unauthorized imitation, reproduction, performance, or broadcast of a copyrighted movie. The relationship between the Nigerian Film Industry and the 'Nigeria Piracy Industry' is studied and an alternative remedy is proposed.

The Nigerian Film Industry: Parturition and Proliferation

Film had its first contact with Nigeria during the early reign of nationalism. The use of motion pictures dates as far back as the early 19th century and is traceable to Herbert Macaulay, a foremost nationalist who invited to Nigeria the Balboa Company which was then doing an exhibition tour of silent films on the West African coast. The sole motivation was economic rather than cultural (Haynes & Okome, 1994, p.186). The films were shown at the Glover Memorial Hall, Lagos in August, 1903. Okome (1991, p. 106) describes the manner in which film was perceived by the society of that period as the "magic of the moment." Such was the mood when people saw moving pictures, and it was so for many years. At this period, cinema activities were limited to Lagos before it moved to other parts of the then Western Nigeria, Ibadan in 1921 and Ijebu Ode in 1929 (Okome, 1991, p. 107).

After Nigeria's independence in October 1960, the duties and responsibilities of the Colonial Film Unit (C.F.U) were passed on to the Federal Film Unit (F.F.U), which was a body under the ministry of information. The FFU, like the CFU, was also aimed at promoting government propaganda as they churned out documentaries which promoted the government ideology all through. They include: National Festival of the Arts, General Buhari visits Anambra State, Military Governor's Tour (1978), among others. This period also brought foreign investors, who established the cinema business all over Nigeria. These cinemas owned by foreigners

showed mostly Chinese and Indian films, which the Hausa film industry, Kannywood, is patterned after. These types of films introduced the Nigerian audience to the action genre, which is similar to the Chinese martial arts films and romance genre in Indian movies.

The landmark of private film in Nigeria started with the cinematic adaptation of Wole Soyinka's *Kongi's Harvest* of the same title produced in 1970 which eventually became the reference point, to some critics, of the take-off of independent film production in Nigeria, directed by an American, Ossei Davis, and Produced by Francis Oladele, under the auspices of Calpeny Production Company. Due to the emergence of these cinema houses and indigenous filmmaking, there has been a decline in the practice of theatre. This is explained by Ogunde in a documentary titled *Aiye Ogunde* (1992). Major theatre practitioners such as Hubert Ogunde, Adeyemi Afolayan, Ishola Ogunmola and others who had troupes migrated into film. They handled the business and artistic aspects of film while the technical aspect was handled by Ola Balogun and the rushes of their film were taken to Europe to be edited and were brought back to Nigeria and shown in town halls and cinema houses with the 35MM projector.

There are many reasons for this trend. First, before the production of indigenous films in Nigeria, the Yoruba traveling theatre had an existing rich, flourishing tradition of touring plays, which are mostly folklore based across the nation and abroad. Adedeji and Ekwuazi (1998, p.32) comments that:

The Yoruba Theater has made an indelible impression on the whole country. As a traveling theater, it has taken the theater to the people and entertained vast and diverse audiences throughout the country. Not earning any subsidies from the government or financial support from any foundations, the artists have progressively managed to survive in a very big way. They draw their income not only from their stage shows but also from television shows, from waxing

their music and plays on discs, by printing their plays as photoplays and as literature.

Ogundele (1997, p. 51) also adds that “at its height of productivity and popularity in the 1970s and early 80s, there were at least 100 troupes of the traveling theatre in Yoruba society.” This large and popular theatre base made it easy for the Yoruba traveling theatre to take over the industry for the furtherance of their artistic career in another medium, and this serves as a background to their popularity in the Nigerian Film Industry today. Since their foundation is in drama, they produced mostly folkloric films relying heavily on dialogue at the expense of cinematic narration. In other words Yoruba traveling theatre companies turned into film production companies. Examples of films produced during this era are 'Ija Ominira' (1979) by Adeyemi Afolayan (Ade Love), 'Jaiyesimi' (1981) by Hubert Ogunde, and Aropin N'Teniyan (1982).

The momentary existence of celluloid films was due to the Structural Adjustment Programme occasioned by the oil doom that crippled the entire nation in the 1980's. This made the filmmakers resort to reversals of used tapes as a means of improvisation. After exhausting the ones they had to the limits of its capabilities, “they emptied the Nigerian Television Authority (NTA) of its used reversal film stock and chemicals”, hinted Adesanya (1997, p.15). The video-film has since then become a household companion in Nigeria. The earliest of these productions are traceable to and include indigenous English series like 'The Masquerade' and 'The Village Headmaster' produced and aired by the Nigerian Television Authority (NTA) in the 1980s. According to Adesokan (2005) in the late 1980s, “Video films had become the strongest technological medium of popular culture and entertainment in Yoruba urban centers” thus strengthening a belief in the social and economic relevance of films and bringing in television stations who transferred them into videos and aired them as series, due to lack of content for its viewers.

Geiger (2011) says that indeed when Nollywood as a mass phenomenon broke out with Kenneth Nnebue's 'Living in Bondage' in 1992, Mexican

telenovelas were dominating Nigerian television schedule. Yar (2005, p. 9) agrees with this when he states that “Ever since Nollywood's 1992 emergence, when a local importer Kenneth Nnebue reportedly acquired some empty video cassette tapes and shot a cheap movie to make a quick buck, the Nollywood shot into prominence and has remained so ever since.” We agree with this as indeed the Video film in the Igbo language was silent until 1992, when Kenneth Nnebue and Okechukwu Ogunjiofor wrote and produced the first Igbo Video film in English in the country titled 'Living In Bondage,' which became a major hit among the Igbo audience and was also well accepted by the non-Igbo speaking audience. Other Igbo video films quickly followed and were produced in either Igbo or the English language.

The box office success of 'Living in Bondage' changed the Nigerian film industry narrative commercially. Igbo video-makers spearheaded the industry and within a short while dominated the home video market, thanks to Kenneth Nnebue's box office hit. Having established a vast marketing network in empty audio and video cassette distribution in Onitsha, Aba and Lagos, it became relatively easy to convert a network for video marketing. Unlike the Yoruba genre that has its antecedent in traveling theatre, the cast and crew of the Igbo/English language films are from a television background.

With the emerging need for globalization, the Nigerian English Movies became popular for spreading the Nigerian culture and tradition even beyond the shores of the country. Ekwueme (2002, p. 21) comments that “the appearance of video films in Nigeria, plus its popularity, points to its importance as a new medium for the production, dissemination and consumption of film as a form of popular culture, with its ideology and aesthetics”.

The birth and growth of Nollywood exemplify the advancement in the use of digital technologies in Africa. Nollywood reflects technology upsurge that is increasingly becoming popular in Africa today. Film production had largely ceased in Nigeria by the end of the 1980s. Despite this absence, in the early 1990s Nigeria started on a path that has led it to

become one of the top producers of video films in the world. This is in addition to lacking fundamental infrastructures for the development of a film industry. As a result, Nollywood can be said to be an experiment for creativity in the relative absence of sound professionalism. This natural experiment reflects the actions of individual creators, entrepreneurs and pirates of Alaba International Market in Lagos and Upper Iwaka Road, Onitsha, all of whom have contributed to the growth of the Nigerian film industry (Arewa, 2012, p. 64). In other words the video film format was used out of desperation of content creation and also crippled financial resources to produce films on celluloid, and all the 'filmpreneur' all of who have contributed to the growth of Nollywood and Nollywood distribution networks of the industry.

Arewa (2012, p.1) explains that “the viral spread of Nollywood films has thus far been a key element of Nollywood successes. Nollywood films are watched, for example, throughout Africa and in African immigrant communities in Europe and the United States”. He also tries to highlight the interaction between “intellectual property and cultural production and greater recognition of potentially varied ways that intellectual property may influence the shape of cultural production. The unauthorized distribution of Nollywood films is part of wider patterns of increasing unauthorized dissemination of content in the digital era.”

As monstrous as the concept of 'piracy' is, the Nollywood piracy industry has also helped in the trans-border spread of Nollywood films, as it is the dream of every business person to see his trade go global. The wrong in what Nollywood marketers, turned pirates, do is the unauthorized distribution of those Nollywood films. This also highlights relevant business issues in the contemporary Nigerian film industry. It is estimated that some 11,000 full-length features were produced for VHS and V-CD release in Nigeria between 1992 and 2009. About 1,000 films are reportedly being produced each year; this has made Nollywood films become pervasive and “wildly popular” in Africa, as well as among African diasporic communities.

The UNESCO Institute for Statistics also

reported, in 2009, that “the Nigerian film production has surpassed that of the United States, making it the second in the world behind India. At a little over fifty years of age, film is a relatively new medium in Nigeria. Despite its youth however, it has established itself as a powerful and popular art form” (Alamu 2010, p.12). This is the case of Nollywood and all other entertainment media in Nigeria since the introduction of cinema in the early 1900s.

By 2007, the Nollywood audience began to yearn for a different Nollywood, especially in terms of quality. These yearnings and the development of better film equipment gave birth to a new trend in the Nigerian Film Industry which is known as 'New Nollywood'. This trend gave rise to paying special attention to film details, finding alternative to orthodox film distribution and the use of high quality film equipment in movie production as evidenced in Afolayan's 'October 1' (2014).

Piracy in the Nigerian Perspective

In a 2009 UNESCO Institute for Statistics (UIS) survey, Nigeria's moviemakers got their first recognition as one of the largest film producing countries in the world, second only to India's Bollywood. As at 2006, the report had it that Nigeria had no functional new wave cinema hence movies were produced in video format. Though Silverbird cinema was later established in 2006, the major means of Film distribution was the video format, and even 'Irapada', which was the first film to be shown in a new wave Cinema, was first shot on celluloid but later produced on CD and DVD.

While the video format CD and DVD format encouraged large production because it was comparatively easier to produce, it unfortunately attracted the interest of pirates for this same reason. Yet 'Irapada' broke all existing box office record of its time as it raked in an estimate of 5 million naira in 2006.56 per cent of the Nigerian movies were produced in English language as at 2006, while the remaining 44 percent were produced in local languages, this boosted the international appeal and demand for the movies (UIS Survey, 2009).

Today, the Nigerian Film Industry has grown to

become the second largest video producing industry in the world as they produce about 2500 movies every year, and rake in an estimated \$590 million dollars in revenue every year. And one of the reasons behind this is because of the huge demand for these movies from Nigerians at home and abroad. Nigerians are known to often migrate to other parts of the world in search of 'greener pastures'. These Nigerians get nostalgic and see the Nigerian movies as their only link back home, the only means of connecting with their home country, so they grab any available Nigerian film, legal or not. According to Treverton et al. (2009, p.52):

Demand for such illegal goods is also spurred by the global migration of people and their desire for access to news, entertainment, and other media products from their home countries or cultural and linguistic heritage. While Hollywood movies are the most visible targets of pirates, movies and television programs produced locally in India, Hong Kong, Nigeria, Thailand, and elsewhere are also targets. In contrast to Hollywood films, which may have broad appeal to consumers across cultural and linguistic groups, pirated movies and television programs from other places are typically consumed only by particular cultural and linguistic groups that find them of interest.

The demand for these movies is not limited to the Nigerians in diaspora; Nigerians at home equally patronize these pirated movies regardless of class divisions or ethnic diversities. The movies are made in Nigeria, with their unofficial headquarters at Alaba International Market, Lagos, which is widely believed to be the largest electronics market in West Africa. But beyond selling electronics, Alaba International Market has grown a reputation for bold piracy of Nigerian movies despite pleas and sanctions from stakeholders and relevant authorities. The 40 years old market is believed to host over a million shops, which makes it one of the biggest markets in Africa, and a fertile ground for

underground sinister activities including piracy. Between 2011 and 2018, the NCC seized pirated items worth up to N10b from Pirates at Alaba International Market and other parts of the country. This whooping sum was only the ones recovered; billions more must have been successfully carted away by the pirates.

In 1989, the Federal Government of Nigeria created the Nigeria Copyright Council, which later metamorphosed into the Nigerian Copyright Commission, NCC in 1996. The NCC have not done badly as they have been able to team up with the Nigerian Police to conduct raids on strongholds of Piracy in Nigeria, thereby sending major pirates into hiding (Adeyera, 2019). Unfortunately, despite these raids, the rate of Piracy kept on increasing particularly in the early days of the 4th republic. This made the NCC establish a special unit known as STRAP (Strategic Action Against Piracy) in 2004. However a 2009 report by the International Intellectual Property Alliance (IIPA) reveals that:

The video piracy situation in Nigeria has worsened, with remarkable high quality counterfeit products, indicating a high level of criminality and sophistication not previously noted, particularly with respect to optical discs. Investment losses and level of piracy which have traditionally been very high is getting higher, thus an indicator of serious danger for the video industry. Evidence of arrests and exhibits recovered during various anti-piracy raids conducted in Nigeria suggest that, Chinese and South East Asian pirate gangs have infiltrated Nigeria and set up over a dozen optical-disc operations, some of which are reported to have mastering facilities, and that, the growing piracy rate has destroyed the legitimate market in Nigeria for intellectual property media and digital products. (IIPA, 2009, Special 301, p. 389)

It was also discovered that the Special Fraud Unit (SFU) of the Nigeria Police is the go-to Unit for piracy cases. Unfortunately, investigation and

persecution do not occur frequently partly because this unit is not solely focused on tackling piracy. The SFU deals with almost everything related to fraud including sometimes investigating internal fraudulence and corruption within the Nigeria Police. A visit to their website shows that they last conducted raid operations in 2017. However, reports from major news channels shows that they have conducted a few more anti-piracy raids since then. A visit to the unofficial headquarters of Piracy in Nigeria, the Alaba International Market revealed that the pirates no longer go about their business with brazen boldness as they used to. They have resorted to hiding and sent operations underground. Despite this 'setback', it is believed that the business is booming better than it used to. There seems to have been an unwritten agreement between the authorities and the pirates that:

'You can pirate but do not do it openly'
 'If you pirate openly ensure it isn't Nigerian movies'
 'If you then pirate Nigerian movies ensure we do not catch you.'

Findings reveal that indeed the Nigeria Police turn a blind eye to the piracy of foreign movies and music. This decision is possibly based on the belief that the piracy of foreign movies does not harm Nigerians. However this is wrong because it allows for the growth of the piracy culture, whereby Nigerians believe that other people's intellectual property can be bought at cheaper prices with little or no consequences. It will only take a while before the same action is shown to the Nigerian Film Industry with equal guts (Oludayo & Mimah, 2017, p. 5).

Quite ironically, the Nigerian Constitution does not permit piracy, either of Nigerian movies or foreign works. According to the Copyright Act, which is embedded in the 1999 Constitution of the Federal Republic of Nigeria, piracy is a crime punishable by imprisonment or a fine. No. 42 of the constitution states as follows:

Any person who sells, rents, hires or offers for sale, rent or hire any work in contravention of the prescription made

pursuant to subsection (1) of this section, commits an offence and is liable on conviction to a fine not exceeding N100,000 or imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

Any person who without the permission of the commission imports into Nigeria or has in his possession any anti-piracy device prescribed under this section or any machine, instrument or other contrivance intended for use in the production of the anti-piracy device, is guilty of an offence and is liable on conviction to a fine not exceeding N500,00 or imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Any person who without the permission of the commission is in possession of; reproduces; counterfeits any anti-piracy device prescribed under this section is guilty of an offence and is liable on conviction to a fine not exceeding N50,000 or imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

As expected, due to the blind eye being turned towards the pirating of foreign movies, Nigerian movies are still being affected by piracy. Genevieve Nnaji's movie 'Lionheart' was released on the 21st of December 2019, and by January 2019 it was already being sold for N70 at Alaba Market (Adeyera, 2019). Meanwhile Netflix and a few other cinemas in Nigeria were the only licensed distributors of the movie.

In order to reduce and exterminate the culture of movie piracy, it would be better to nip this evil in the bud by stepping up efforts to make it difficult to import the materials being used to perpetuate this crime. The machine being used to pirate movies are not made in Nigeria; they are always imported. This machine used for mass production of movies should not be accessible by just anybody; its sale should be strictly regulated, and it should be sold only to

licensed movie producers. This way, the film production environment is well-regulated. The Film Industry gets to know the real scope of the industry; the government gets to throw their tax nets in the right direction; and the film producers get to make maximum profit on movies produced. Everybody wins.

Recently, piracy evolved beyond just CDs and DVDs to the Internet. This infuriated Nollywood star actor, Uche Jombo (2019), so much after her film, 'Damage' was illegally uploaded that she had to react on Social media. She said:

Let's discuss Nollywood illegal uploads please which is not just a sin against the filmmakers but sin against God. Are you kidding me? Do you know what WE go through? Had an interesting chat with some people who uploaded my film DAMAGE illegally on their site. The sense of entitlement to that 'you never make money reach feeling to calling me an imposter on their little WhatsApp group... got me thinking of how we can ALL do better this 2019. (Jombo, 2019)

Quite similarly, movie producer Kunle Afolayan took to Twitter to vent out his frustration with pirates, after an episode where he confronted them and they threatened him. The confidence with which pirates go about their illegal business to the extent of threatening filmmakers suggests that they have conquered the law, and the law is either too weak to handle them, or has been compromised. Fajobi (2015), after an extensive study on Piracy in Nigeria, explains that there is a hierarchy in the operation of piracy in Nigeria. He explains that there is a Don who finances the operation and uses his network to get original copies of these films, then hands it over to the Mafia, who has shops and stalls and sub-outlets in Alaba and other parts of Lagos. This then ensures the illegal duplication and distribution of the movies from these shops even to the street boys who sell or rent out these movies or show them in the most public places. Ojelu (2013) further explains that "many of the pirates, who have

now acquired multi-million naira machines for mass producing CDs (The 'Dons'), now operate from outside the market to avoid being arrested by the police and various task force set up in the market to curb piracy."

Cinemas and Video on Demand Platforms as the Saving Grace

Having discovered that Pirates take advantage of the distribution method to go about their business, Nollywood decided to adopt the cinema method of distribution. In 2006, the Siverbird Cinemas began operations and screened Kunle Afolayan's 'Irapada'. This was the first attempt at a new mode of film distribution and it succeeded as 'Irapada' instantly became the highest-grossing Nigerian film largely because the producer partially escaped the den of pirates by going straight to the Cinema.

Unfortunately, barely a decade later, the pirates found a way to penetrate the Cinema mode of distribution. The same director of 'Irapada', Kunle Afolayan, made another movie, 'October 1', and used the same mode of distribution, but both adventures yielded extremely different results, as 'October 1' was severely pirated, provoking the producer to burst out on social media raining curses on pirates. It was discovered that the Cinema means of distribution got compromised through bribery of insiders by the pirates. They reach out to a low level or middle level staff, and make them 'irresistible' offers in return for a copy of the movie's original hard drive (Fajobi 2015). However, the distribution of Afolayan's latest movie, 'Mokalik' (2019), was able to find a way around this. Distributors watermarked the name of the Cinema on the Hard drive sent to the Cinema; that way if it leaks to the public, the name of the cinema from which it gets leaked is known to the world. It is therefore imperative for other filmmakers to key into this strategy, and ensure that tight contracts are signed with cinema operators ensuring full remuneration in case of any leak or compromise from the Cinema. In previous cases, after the cinema shows movies to its audience, the movies are made into DVDs and VCDs which fall into pirate hands and are largely dubbed. In order to avoid this, the Nigerian Film

Industry embraced the Video on Demand idea.

While Kannywood may have left Nollywood for aforementioned reasons, a change of name and goodbye to Nollywood does not translate to goodbye to piracy. Kannywood movies were comparatively immune to piracy down south, due to a very low demand in the Southern market. However they were in high demand in the Northern market and they got pirated just as high as the demand came. Abdusalam (2019) gives an estimate that "98 percent of people that are watching Hausa films currently do not use their money to access it. Only two percent use their money to access these contents which is discouraging to film-making business".

In order to tackle the problem of piracy in the North, an entrepreneur, Abdusalam J. created a video-on-demand app for streaming Kannywood movies, 'Northflix'. Created in 2019, the app allows users to access Hausa Films as quickly as the day they are released by the producers, with a smartphone, laptop, tablet or any other Internet device capable of accessing the app.

In the south a similar move was made by Jason Njoku and Blessed Idornigie who founded IrokoTV and IbakaTV in 2011 with a similar working system as Northflix. It is believed that IrokoTV alone got nothing less than 6 million views from 178 countries in 2014 which was less than 5 years of operation, and in spite of the high level of piracy and the low level of anti-piracy education in the country. This gives hope, and this thought is shared by Urieh (2014, p. 10) when she asserts that "it is no longer a question of whether a Nollywood film will become an international box office hit, it is simply a matter of when."

Proposed Measures to Counter Piracy

We discovered that these pirates often have insiders in licensed distribution channels, including the cinemas. Therefore, we recommend the Kunle Afolayan style, experimented in the cinema distribution of his 2019 movie, 'Mokalik', where cinema locations are watermarked on movies sent to cinemas. This way, whichever cinema releases its own copy to pirates gets sanctioned. However, it is even more important to have carefully drafted

agreements that are enforceable in a court of law. It is also important for the Nigeria Film industry in its entirety to open its doors to a holistic investigation by the proposed 'Special Piracy Unit' or 'Operation Piracide' to flush out the culprits and send other criminals into hiding for a very long time.

Presently, movie makers feel helpless with regard to the piracy of movies on the Internet and it is quite understandable as the Internet provides users with some sort of anonymity and invisibility. Also a call for regulation of the Internet may be interpreted by some quarters as an infringement on the freedom of the citizens of Nigeria. But regulations is the way forward. Currently, most Nigerian Android users download music files freely from websites like 'naijaloaded' and 'tooxclusive', but only recently they started placing limitations on their own sites, thereby forcing consumers to either stream or buy. Owners of the songs reported the websites to Google and the United States Internet Regulatory Body, the websites in question got warned severally and had to change their mode of production to ways that could ensure the musicians get profit from their works. The Nigerian Film Industry can make a similar move by reaching out to the Nigerian Copyrights Commission and the Nigerian Communications Commission to form a collaboration with Google and authorities in the United States, to bring down piracy sites, and ensure fairness to all parties. Similarly, popular video site, 'Youtube' allows just anyone to upload videos, including movies made by Nigerian Filmmakers, when these videos get a certain number of views, the person who uploads it gets paid by Youtube. With as little as 1000 subscribers and 4000 watch hours in a year, any vlogger gets access to monetizing their Youtube page regardless of whether or not they own the copyright to the uploaded content. A similar solution can therefore be used to counter this move, whereby the Nigerian Copyrights Commission and the Nigerian Communications Commission form a collaboration with Youtube to regulate the uploading of these movies, and only allow licensed channels engage in this act so as to allow for fair sharing of profit between participants in the filmmaking process.

In order to boost the economic capacity of the Nigerian Film industry while still ensuring that the right people get the right profit, Operation Piracide suggests that seized machinery of the Pirates are resold or re-issued to licensed producers, with a closer monitoring, while the culprits serve punishments which aim at reintegrating them back into society, possibly as legal reformed filmmakers. That way, the intelligence and energy being put into fraudulence is re-channelled to uplift society and boost the nation's economy. And these culprits are more useful in the Nigerian Film Industry because there is a huge demand for Nigerian movies, and somehow, they find a way of meeting this and never falling short of quantity. A merger, under strictly supervised terms and conditions, will take the Nigeria Film Industry to the top. This assertion is also echoed by Arewa (2012, p.29) when she opined that:

Nollywood strategies that focus on copyright laws and enforcement alone, without appropriate attention to issues related to Nollywood business models, are unlikely to significantly change the state of affairs in Nollywood. Rather, the problems of Nollywood that are identified as a problem of piracy are also in part a result of an absence of business and financial institutions that can facilitate the further development of Nollywood.

The marketing or commercial framework of a business controls other aspects of the industry. In order to fully harness this opportunity in the Nigerian film industry, the establishment of a full-fledged film department, review of the already existing film curriculum which is a unit of either Mass Communication or Theatre Arts department should be established in Nigerian universities. Our educational sector has to change with time. A special area of specialization should focus on the business of film. This will help filmpreneurs aspiring to break even in the industry, and to favorably compete in the global film market, as regards box office success.

Nigerian film industry has a complex structure, which includes too many guilds, unstructured distribution and marketing channel, and some filmmakers do not even like to be associated with the Nollywood tag, which is just another name for the film industry. The factional and fragmented guild and union should come under one unified body, which will also include prominent players in the industry. With this they will have a defined structure and plan in killing piracy.

The change to digital technology in Nigeria has, however, paved the way for the development of alternative Nollywood models of commercial film production and distribution, which is the cinema. According to a 2019 BBC report; "Nigeria has a total number of 45 cinema screens, as opposed to South Africa's 800". It is unimaginable that in a country of over 200 million, only 45 cinema screens are at its disposal. If more cinema screens are put in place for this large population, who still love to be entertained, filmmakers could even recoup their budget with enough interest in weeks, just with cinema release.

All these will be impossible without a solid backing of the law. Unfortunately, the present anti-piracy law is weak and incomplete as new forms of piracy has emerged which requires new means of engagement. A 2018 report revealed that between 2011 and 2018, the NCC nabbed about 721 suspected pirates, but were only able to secure 58 criminal convictions. The law was made and last reviewed in consideration of the old forms of piracy, so culprits get to escape the wrath of the law.

It is therefore pertinent that the Nigerian Film Industry get involved in advocacy for a new Bill on anti-piracy. Already, members of the Film industry are becoming lawmakers, this in collaboration with the services of skilled lobbyists should help in the creation of the Piracide or a reviewed anti-piracy law.

Conclusion

In the study, it has been noted that evolution is constant. And while creativity evolves, crime evolves, and counter-crime should equally evolve too. Unfortunately in Nigeria, creativity evolves,

crime evolves, while measures aimed at countering crime hardly evolves, which is why we researched on Piracide, a novel means of countering crime, well-suited to match the present day reality of both worlds creativity and crime. It is also noteworthy to mention that no matter how sound 'operation Piracide' looks on the book, it will not amount to anything unless it is developed and made into a bill and passed as law. Just as the old saying goes, 'no law, no sin.' And the present laws have been mastered and loosened by criminals. Rather than countering crime, it looks like crime has countered the law. The conclusion is therefore that actionable laws and dedicated enforcers of these laws, solely focused on killing piracy, are urgently needed in the Nigerian Film Industry in order to save the nation from wasting wealth, killing creativity, and breeding daylight robbers.

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