



CREATIVE INDUSTRY

2023
WRAP-UP

2024
OUTLOOK

FOREWORD



The year 2023 proved to be a monumental chapter for the Nigerian entertainment, leisure, and media industry, marking a compelling trajectory of growth across its multifaceted landscape. From the pulsating rhythms of the music scene to the captivating narratives on the silver screen and the transformative realm of social media content creation, the industry achieved unprecedented milestones, solidifying its influence both domestically and on the global stage.

Notably, the global resonance of Nigerian talent reached an apex with the ground-breaking announcement of four Nigerian artistes receiving nominations for the 2024 Grammy Awards, an event poised to unfold in February 2024. This recognition on the world's premier music stage attests to the industry's prowess and its capacity to make indelible marks on the international cultural landscape.

The regulatory landscape underwent a transformative shift with the long-awaited passage of the Copyright Act, ushering in a new era for intellectual property (IP) regulation—a cornerstone asset for the Nigerian entertainment industry. This legislative milestone provides a fortified foundation for protecting the creative endeavours of artists, musicians, filmmakers, and content creators, signalling a commitment to fostering innovation and ensuring the sustainability of the industry.

As we delve into this comprehensive report, our focus extends beyond mere accolades and legislative achievements. We embark on an exploration of the nuanced facets that shaped the industry in 2023, from the rhythmic beats that reverberated globally to the cinematic tales that captured hearts. We dissect the legal intricacies arising from the intersection of technology and creativity, navigating

the challenges and triumphs that define the contemporary landscape.

Moreover, with our gaze fixed on the horizon, we venture into the projections for 2024—a year poised to unfold with promise and potential challenges. From the impact of emerging technologies, such as generative AI, on content creation to the ever-evolving dynamics of social media influencing, we aim to unravel the threads that will weave the narrative of the Nigerian entertainment industry in the upcoming year.

This report stands as a testament to the vibrancy and resilience of the Nigerian entertainment, leisure, and media sector. As we navigate the achievements of the past year and anticipate the possibilities of the year ahead, we invite you to embark on this journey with us, where creativity knows no bounds, and the convergence of art, technology, and law shapes the very fabric of the industry.

Thank you.



Toyosi Alabi

Partner, Olaniwun Ajayi LP

EVOLVING REGULATORY LANDSCAPE

There was a spate of bills passed into the law this year with far-reaching impact but the most notable laws for the creative industry is the Copyright Act 2022 (CA 2022 or the New Act) which was passed into law on 17 March 2023 and the Business Facilitation (Miscellaneous Provisions) Act, 2022 (BFA) which was passed into law on 8 February 2023. Discussed below is a brief overview of the CA 2022 and the BFA.

COPYRIGHT ACT, 2022



The New Act replaced the much-antiquated 1988 Copyright Act¹ (the **Old Act**), which faced a lot of criticism for being out of step with digital reality. Some of the notable highlights of the New Act are succinctly discussed below.

Inclusion of Digital Works

On a prefatory note, the New Act introduces a new definition of ‘copy’ which accommodates digital piracy, a major threat to revenue in the entertainment industry, thus bringing our copyright law up to speed with the realities of the 21st century. Prior to the New Act, the scope and definition of “copy” was confined to physical forms, as the Old Act of defined ‘copy’ as a ‘reproduction in written form, in the form of a recording or cinematograph film, or in any other material form...’² The New Act expands the definition of copying, as it now defines copy to mean a ‘reproduction in any form **including a digital copy**’, thus ensuring protection of works, regardless of the medium through which unauthorised copying takes place.

Protection of Online Content

Closely linked to the foregoing point is the explicit protection of online content under the New Act. Notably, the CA 2022 has introduced several provisions aimed at tackling online piracy and fostering the protection of online content. For instance, content creators, can now issue notices of infringement to ISPs for takedowns or deactivation of links to infringing content.³ Another novelty of the New Act is the right of a copyright owner (acting personally or through an agent) to apply to the Court for an order to an ISP to identify an alleged infringer,⁴ a statutory innovation that should prove useful in tackling the menace of repeat infringers who hide under the cloak of anonymity on social media. In addition, the New Act grants site-blocking powers to the NCC over online content that infringe copyright.⁵

1. Cap C28 LFN 2004
2. Section 51(1) of the Old Act

3. Section 54 of the New Act.
4. Section 61 of the New Act.

5. Section 61 of the New Act.

EVOLVING REGULATORY LANDSCAPE

Expansion of Protected Works and Media of Availability to the Public

The Old Act conferred copyright protection on ‘cinematograph film’, an archaic term of art that is no longer fit for purpose. The New Act replaces this term with ‘audiovisual works’,⁶ and the significance of this replacement in terms is that ‘audiovisual works’ as defined under the New Act covers a broader range of audiovisual content without prejudice to the device where such content is carried.

Additionally, the New Act expands the exclusive right of performers⁷ by introducing the right ‘to make a work available to the public by wire or wireless means in such a way that members of the public are able to access the work from a place and at a time independently chosen by them.’⁸ This addition is particularly relevant to the film and music subsectors of the Nigerian entertainment industry due to the recognition of fora like DSPs and SVOD platforms where content is accessible by the public at any time and from any place.

Extended Recognition of Performers’ Rights

Interestingly, an entire part of the New Act⁹ is devoted to ensuring that sufficient protection is given to performer’s remuneration rights and extends the provisions of the Old Act.¹⁰ Notably, the New Act now provides that performers may be entitled to share from the proceeds of exploitation of an audiovisual work containing his or her performance, beyond the fee the performer was paid for the performance.¹¹

Rights over Commissioned Works such as Photography and Art

Unlike the Old Act¹², which vested authorship of photographs and other artistic works in the photographer or the creator, without recognising the commissioner of such works, the New Act now recognises persons who commission a photograph, art or the making of audiovisual works for private and domestic purposes as non-exclusive licensees for exploitation of such works. The New Act thus vests such commissioners with the right to restrain the publication, exhibition, communication and distribution of the works commissioned to the public, subject to a written agreement to the contrary.

Fair Dealing

The New Act has further expanded on our jurisprudence on fair dealing. Specifically, the New Act streamlined the factors to consider in determining whether the use of a work in any particular case is fair dealing.¹³ Furthermore, and in line with the Marrakesh Treaty,¹⁴ the New Act incorporates a special exception to the use of copyright, allowing reproduction of literary and artistic works in a form accessible for blind, visually impaired, and print disabled-persons.¹⁵ This provision is a much-welcomed addition which fosters social inclusion and access to creative works for special persons.

6. Defined as ‘the aggregate of a series of related visual images with or without sound, which is capable of being shown as a moving picture by means of mechanical, electronic or other device and irrespective of the nature of the material on which the visual images and sounds are carried and includes the soundtrack but does not include broadcast.’ Section 108(1) of the New Act.

7. Defined in section 63(3) to capture actors, singers, musicians, dancers, and other persons who act, sing, deliver, declaim, play in, interpret, or otherwise perform literary or artistic works or expressions of folklore irrespective of whether the work was fixed or only fixed during performance.

8. Section 63(1)(f) of the New Act

9. Part VIII of the New Act is captioned ‘Performer’s Rights’

10. Apart from the expanded definition of who a performer is under the New Act, a non-exhaustive list of the exclusive rights of a performer under section 63(1) of the

New Act includes: (a) fixation of their unfixed performance; (b) distribution of a fixation of their performance; (c) reproduction of a fixation of their performance; (d) broadcasting or communication of their unfixed performance to the public and (e) making available their fixed performance by wire or wireless means in a way that members of the public may access them from a place or at a time individually chosen by them.

11. Section 69(3) of the New Act.

12. Section 39(1) of the Old Act.

13. Section 26, Copyright Act, 2022

14. Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (2013)

15. Section 26, Copyright Act, 2022

EVOLVING REGULATORY LANDSCAPE

BUSINESS FACILITATION (MISCELLANEOUS PROVISIONS) ACT, 2022



The amendment **establishes a clear statutory basis** for service marks under the TMA and **expunges the limitation** on trademarks to be solely applicable to goods or services

Alongside the Copyright Act, another piece of legislation that impacted the IP ecosystem in Nigeria was the Business Facilitation (Miscellaneous Provisions) Act, 2022 (BFA) which amended several principal legislations in Nigeria, including the Patent and Designs Act (PDA)¹⁶ as well as the Trademarks Act (TMA).¹⁷ Notably, Section 67 of the TMA, was amended by inserting “services” to the definition of trademarks and deleting the phrase “in the course of trade”. The seemingly innocuous amendments have significant implications as it establishes a clear statutory basis for service marks under the TMA and expunges the limitation on trademarks to be solely applicable to goods or services offered in the course of trade. Furthermore, amended Section 67 of the TMA now confirms the registrability of product shapes, packaging, and combination of colours as components of a trademark.

Regarding the PDA, the BFA amended paragraph 13 of the first schedule to the Act by inserting after paragraph 13, a new paragraph 13A which mandates the minister to make regulations prescribing the procedure for application, grant, use and withdrawal of compulsory licenses.¹⁸

1. 16 P2 LFN, 2004

2. 17 T20 LFN, 2004

3. 18 Section 62, Business Facilitation (Miscellaneous Provisions) Act, 2022.

MOVIE INDUSTRY 2023 RECAP



Films in Nollywood witnessed an upsurge in high-budget productions and collaborations between Nigerian filmmakers and international studios in the year 2023. A notable example is the joint venture between Amazon and Nemsia Studios which yielded in the release of the movie production *'Breath of Life'* in December 2023.

There was a rise in the production of high-budget movies in Nigeria, as movies such as *'A Tribe Called Judah'*, *'Jagun Jagun'*, *'Gangs of Lagos'*, *'The Black Book'* amongst others have graced the big screens and have witnessed resounding success. *'A Tribe Called Judah'* made history by becoming the first Nigerian movie to earn 1 billion naira in domestic theatres. The movie achieved the historic feat in just three weeks, a landmark for a Nollywood film. Other high-grossing movies turning in high returns include movies such as *'Orisa'*, *'Merrymen 3'* and *'The Kuju's Again'*. In the same light, Nigerian series have seen great increase in viewership. For instance, *'Shanty Town'*, a six-part series produced by Chinenye Nworah released on 20th January 2023 is the most-watched Nigerian series on Netflix making numbers of a whopping 27 million hours viewed within few months of release. The quality of cinema in Nigeria has greatly improved and with this comes new opportunities, deals and partnerships.

Streaming services continue to dominate the distribution landscape, with global streaming platforms like MAX, Netflix and PrimeVideo continuing to grow in influence and dominance of movie distribution in Nigeria. The increased affluence of these international giants appears to be inversely proportional to the growth of local platforms like iRoko TV. As such, local platforms which in the past few years experienced a meteoric rise must be innovative or risk steady decline in the face of deep-pocketed global giants. Nevertheless, while platforms like Netflix and Prime Video have proven highly lucrative for filmmakers, this advantage is predominantly realized by high-budget movies. Some filmmakers opt for YouTube, perceiving challenges in selling movies to discerning platforms like Netflix, Prime Video, and Showmax. This factor could, in turn, favour local streaming platforms.

16. P2 LFN, 2004

17. T20 LFN, 2004

18. Section 62, Business Facilitation (Miscellaneous Provisions) Act, 2022.

MUSIC INDUSTRY 2023 RECAP



Nigerian artistes continue to make waves internationally, collaborating with global music icons and making remarkable hits in the process. Some examples that behove recognition include the collaborations between Burna Boy featuring both J.Cole and 21 Savage on his album titled *“I told them”*, Davido’s *“Champion sound”* featuring Focalistic, OdumoduBlvck and Wale’s collaborating on *“Blood on the dance floor”* and Chris brown’s feature of both Davido and Lojay on *“Sensational”*, amongst others. A collaboration that has however taken the world by storm within the year is Rema and Selena Gomez on the global smash hit that is *“Calm Down (remix)”* which peaked at number 3 on the Billboard Hot100, dominated the U.S. Afrobeats Songs chart, reached number one on both the Billboard US Afrobeats Songs and the Billboard Global Excl. US charts and even more remarkably; it entered the Guinness World Records as the First No.1 Hit on The Official MENA Chart, the world’s first regional streaming chart.¹⁹ Interestingly, these collaborations raise poignant legal questions regarding revenue sharing, royalties and copyright ownership in cross-border projects.

With Nigerian collaborations becoming an increasingly valuable commodity, the desire to maximise profit and sufficiently protect the interest of creatives requires expertise in negotiation, relevant laws and a thorough understanding of the mechanics of the industry; following the increased relationship with players in foreign jurisdictions, considerations such as conflict of laws, legal formality in foreign jurisdictions and dispute resolution mechanisms become pertinent to all parties in the rapidly growing Nigerian music industry.

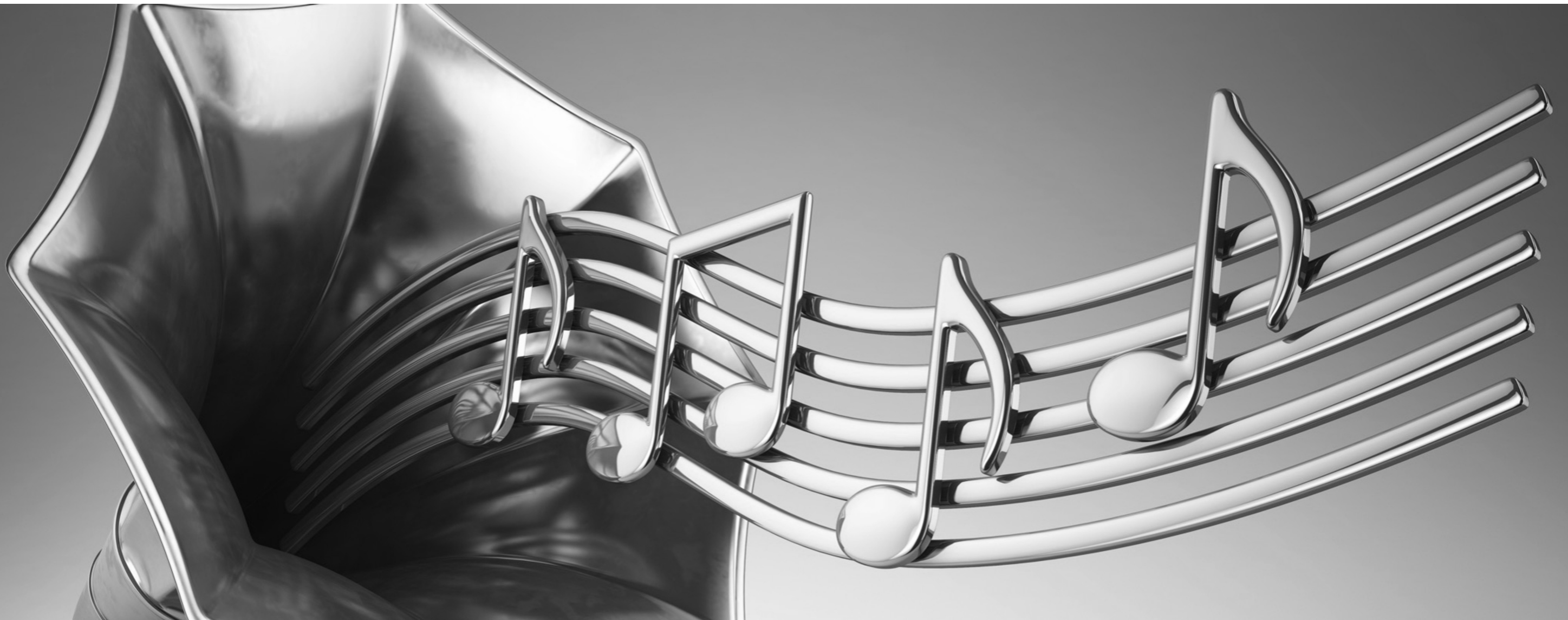
19. Eleonora Pilastro “Rema’s “Calm Down” becomes first ever No.1 hit on The Official MENA Chart| <https://www.guinnessworldrecords.com/news/2023/5/remas-calm-down-becomes-first-ever-no-1-hit-on-the-official-mena-chart-747487>

MUSIC INDUSTRY 2023 RECAP

The Nigerian music industry witnessed massive growth in partnerships and international performances as well. Further to the exclusive joint venture partnership between American record label Def Jam Recordings (Def Jam) and the Lagos and London-based entertainment company Native Records, Def Jam officially announced Native Record's star, Odumodu Blvck, as a member of their label. These are early indications of future partnership and collaboration between international labels and industry players with Nigerian artists and labels.

The year was also filled with several landmark performances at notable events by the extraordinary acts in the Nigerian music industry on global stages, such as Davido's performance at the BET Awards and Rema's performance at the 2023 Ballon D'Or ceremony, each instance being the first of its kind for a Nigerian artiste, ever increasing the value and exposure of Nigerian artistes globally.

The growing increase in foreign acclaim obtained by the Nigerian music industry, highlights now more than ever, the need for industry players to secure adequate representation to properly navigate the numerous commercial and legal considerations involved in entering into cross-border IP agreements and contracts.



2023 EMERGING TRENDS

PODCASTS AS A MAINSTREAM MEDIUM



Step into the world of podcasts, an auditory haven that has transcended niche audiences to become a cultural phenomenon. Globally and locally, the rise of podcasts signifies a shift in how we consume content. The allure lies not just in the diversity of topics but in the intimate and conversational format that podcasts offer. Hard Facts with Sandra Ezekwesili, I Said What I Said, Once Upon a Naija, and Uncensored exemplify this trend, each carving its unique niche in the digital soundscape. What sets podcasts apart is the freedom to explore unfiltered narratives, unbounded by visual constraints. This exploration unfolds the reasons behind their meteoric rise, tapping into the cultural shift toward on-demand, personalized content experiences.

INFLUENCE OF SOCIAL MEDIA IN THE CREATIVE INDUSTRY



The creative industry underwent a revolutionary transformation propelled by the remarkable growth and revenue surge in the global streaming market such as Netflix, YouTube, Spotify etc. Relatedly, there has been an increase in the usage of mainstream social media platforms. According to Statista's data of October 2023, the global social media user base reached 4.95 billion, accounting for approximately 61.4% of the world's population, a significant surge from 2017 which was about 2.73 billion²⁰.

The surge in social media usage has transformed the platform from a mere communication and information-sharing space into an indispensable marketing tool. Content creators now leverage social media to cultivate their brand and livelihood. Thus, changing how users consume content and ultimately are also rewriting the rules of content distribution. However, as the social media market expands, unauthorized distribution of content on these platforms raises legal issues related to intellectual property rights, copyright infringement, and the protection of digital content. From influencer marketing to brand partnerships, the digital landscape is a legal minefield. As influencers become pivotal players in brand collaborations, negotiating the legal terrain becomes an indispensable aspect of their journey. It then becomes expedient for content creators and social media users alike to actively safeguard and uphold the intellectual property rights associated with their creations and comprehend the diverse IP issues that may arise due to the unauthorized usage of social media.

20. Number of worldwide social network users 2027 | Statista Accessed on 16 December 2023.

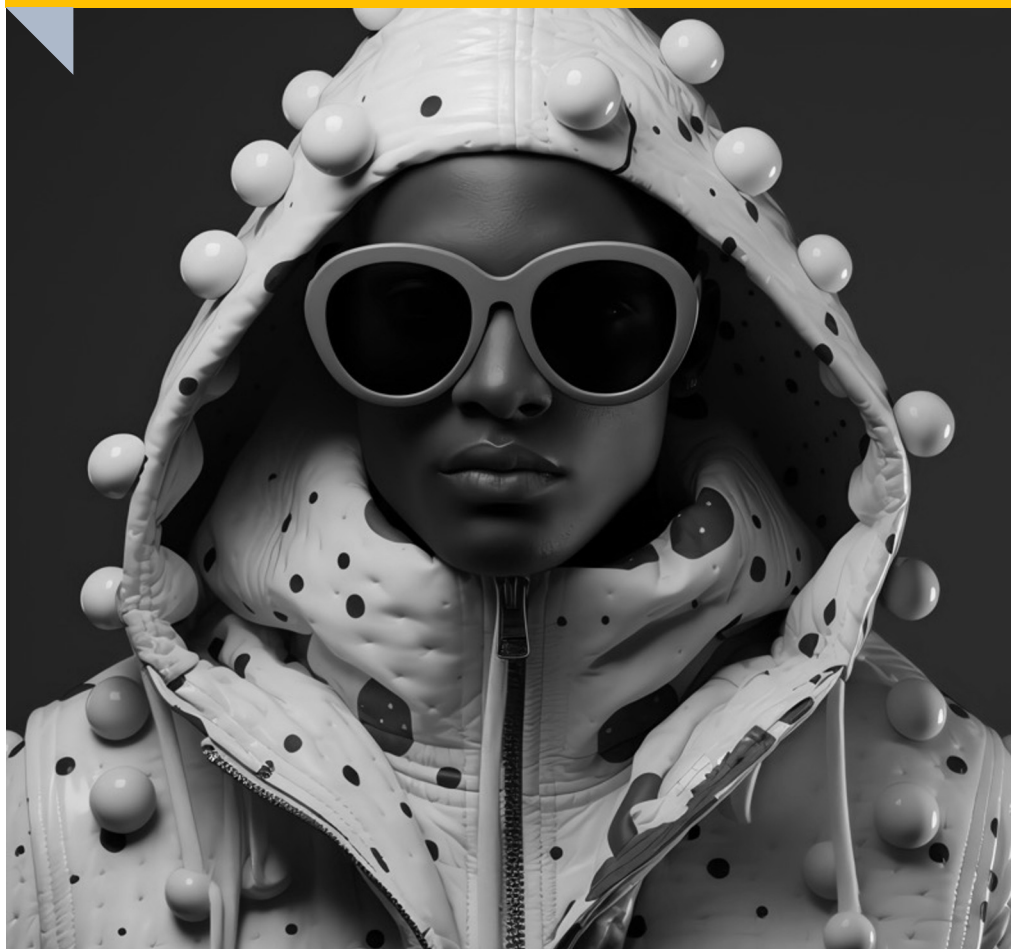
2023 EMERGING TRENDS

DIGITAL INFLUENCE OF DIVERSE CONTENT CREATORS



In the vast digital landscape, a spectrum of voices shapes media and entertainment. This includes brand influencers moulding consumer trends, skit makers crafting humour, and emerging figures beyond traditional realms. Legal considerations span influencer partnerships, copyright nuances for skit makers, and the regulatory landscape for diverse digital personalities. Navigating the legal landscape involves addressing copyright issues, fair use, and challenges stemming from the parody nature of skit creations. As these personalities redefine influence, a nuanced understanding of legal frameworks becomes indispensable in shaping their digital narratives.

IP AND FASHION



Given the rise in digitalization and the improvements in fashion and access to products, the possibility of infringement has skyrocketed. Despite trademark being a tool of identification and distinguishing, the court have been bedeviled with infringement actions on grounds of similarity between trademarks. This was the basis on the suit in *Adidas America Inc. v Thom Browne Inc.*²¹ In this case, Adidas America Inc. and Adidas AG (Plaintiffs) sought injunctive relief and damages against Thom Browne Inc. (Defendant), alleging that the Defendant imitated Adidas' three-stripped trademark which it uses on its sportswear and athletic-styled footwear. Thom Browne on the other hand had argued that that his designs were influenced by his love for sports, and that the brands had nothing in common with Adidas as they operate in different markets. The jury found that Thom Browne was not liable for trademark infringement or dilution on the basis that Thom Browne and Adidas were operating in separate markets, with Thom Browne having sophisticated clients who paid higher for his goods and would not reasonably assume that they are purchasing Adidas' products. Interestingly, the decision of the Court took a different result in a similar case where the issue of extending trademark protection to the virtual world was considered.

In the *MetaBirkins*²² case, Hermès, the manufacturers of popularly known bags, Birkins filed an action for trademark infringement against Mason Rothschild, an artist who in December 2021 designed non-fungible tokens (NFTs) called MetaBirkins. The Defendant on the other hand alleged that he was protected by the First Amendment right and he sought to rely on the First Amendment protection in the case of *Rogers v Grimaldi* and thus, his use of the mark did not constitute trademark infringement. In determining whether the Defendant had infringed on the trademark of the Plaintiff, the Court considered the *Rogers v. Grimaldi* balancing free speech and trademark rights is applicable to its analysis of trademark infringement involving the NFTs at issue.

21. *Adidas America Inc. v Thom Browne Inc.*, 599 F. Supp. 3d 151 (SDNY 2022)

22. *Hermès International et al. v Mason Rothschild* 1:22-cv-00384 (SDNY)

2023 EMERGING TRENDS

According to the court, (1) the Rogers test is generally applicable to trademark infringement claims involving works of artistic expression; (2) Rothschild used "**MetaBirkins**" as the title of digital images depicting the Birkin handbag, and the images could constitute artistic expression. It was also noted that although Rothschild used the title in social media and online accounts for selling the artwork, selling the images did not make them commodities rather than artistic works. Likewise, Rothschild's use of NFTs to authenticate the images and allow for traceable subsequent resale and transfer did not make the images commercial products without First Amendment protection. Upon determining that the Rogers test applied, the court found that Hermès' amended complaint contained sufficient factual allegations that the use of MetaBirkins was not artistically relevant and was explicitly misleading and failed to meet the Rogers test which would have warranted a First Amendment protection.²³ The jury found that the **MetaBirkin** violated the Hermès' trademark in its famous Birkin handbags. The Federal judge granted Hermès' injunction request to permanently prevent Mason Rothschild from continuing its sale of the MetaBirkin NFTs, as it would likely confuse consumers and cause irreparable harm to the company.

IPRS AND ENTERTAINMENT

...the global live streaming market grew from **1.24 billion dollars** in 2022 to **1.49 billion dollars** in 2023...



The year 2023 witnessed the evolution of the Mattel's Barbie from being a toy for little children into being one of the highest grossing movies in the world. Barbie showcases the profound impact of intellectual property rights in the entertainment industry, ranging from trademark protection for the brand identity to copyright protection for Barbie's doll features and design patents for innovative designs. Barbie further demonstrates the multi-faceted nature of intellectual property safeguarding. The success of the Barbie movie, ranking 11th highest grossing movie with a domestic gross of about 636 million dollars²⁴, emphasizes the strategic use of intellectual property in extending brand awareness and commercial success. The Barbie movie is a compelling example of how intellectual property plays a pivotal role in the entertainment sector beyond the initial product.

Similarly, Disney's "**The Little Mermaid**" underscores the importance of leased copyrights, allowing Disney to maintain control over the copyrighted songs in the movie, while extending the coverage of the songs through licensing agreements with theatre companies and third-party agents. This strategic approach to intellectual property contributes to both artistic preservation and business sustainability of the copyright author.

In the dynamic landscape of the music industry, this year has witnessed digital streaming's disruptive force. According to the Live Streaming Global Market Report, the global live streaming market grew from 1.24 billion dollars in 2022 to 1.49 billion dollars in 2023, at a compound annual growth rate of 20.6%²⁵. Considering the commercial benefits tied to music and consequent streaming, it becomes imperative for musicians, artistes and record labels to reinforce and ensure the protection of the intellectual property as it relates to their creative content.

23. [https://content.next.westlaw.com/practical-law/document/la8d914f1d82911ec9f24ec7b211d8087/Rogers-Test-Applies-to-Non-Fungible-Tokens-of-Birkin-Bags-S-D-N-Y?viewType=FullText&transitionType=Default&contextData=\(sc.Default\)](https://content.next.westlaw.com/practical-law/document/la8d914f1d82911ec9f24ec7b211d8087/Rogers-Test-Applies-to-Non-Fungible-Tokens-of-Birkin-Bags-S-D-N-Y?viewType=FullText&transitionType=Default&contextData=(sc.Default))

24. Box Office Mojo as of the 15th of December 2023 accessible at Home - Box Office Mojo

25. Live Streaming Global Market Report 2023 accessible at Research and Markets - Market Research Reports - Welcome

2023 EMERGING TRENDS

2023, THE YEAR OF AI



Unsurprisingly, Artificial Intelligence (AI) took centre stage this year. As rightly projected in our previous 2023 outlook,²⁶ the IP community (as well as the world) witnessed an increase in Human-AI collaborations and generative AI thus spurring conversations around the allocation of rights and liability deriving from works generated by AI. For example, in April of this year, an anonymous songwriter used an AI tool to create a soundtrack (Heart on My Sleeves) imitating the voices of two popular male artistes, Drake and The Weeknd. Although the song was taken down within a couple of days, fans believing the song was officially released by the artists themselves had scored millions streams.²⁷ Expectedly, the AI-produced song threw up discussions regarding ownership rights to Heart on My Sleeves and thus, rights (including commercial entitlement to streaming revenue) in the AI-generated or produced song.

Similarly, Malik Afegbua, a Nigerian Artist and Designer was equally spotlighted this year on account of his prominent AI-generated images flooding the internet. His works entail the use of AI to create a virtual fashion runway and art show addressing stereotypes and challenging biases.²⁸ Malik's work epitomizes the fusion of AI and Art and the impending future of the creative industry.

Equally projected was the expansion of global jurisprudence on authorship and ownership of works generated by AI. In this regard, jurisdictions like Beijing and US have attempted to lay precedence regarding copyright ownership in an AI generated work. While the US had earlier in the year rejected copyright in AI-generated images contained in a body of work,²⁹ the Beijing courts have affirmed, in a recent ruling, human ownership of copyright in an AI generated picture.³⁰

26. <https://www.olaniwunajayi.net/blog/2022-ip-wrap-up-and-2023-forward-look/>

27. <https://www.nytimes.com/2023/04/19/arts/music/ai-drake-the-weeknd-fake.html>

28. <https://www.amplifyafrica.org/malik-afegbua-artificial-intelligence/>

29. Zarya of the Dawn- Registration #VAu001480196 (February 21, 2023)

30. <https://www.natlawreview.com/article/beijing-internet-court-recognizes-copyright-ai-generated-images>

2023 EMERGING TRENDS

IP AND INNOVATION



Intellectual Property (IP) protection, particularly patent filing, plays a pivotal role in safeguarding an owner's proprietary interest in an invention, thus facilitating successful commercialisation of the invention. In 2023, IP emerged as a catalyst for innovation, evident in its impact in various industries including its advancement for sustainable innovation, advancements in engineering patenting, the rise of autonomous driving and the transformative capabilities of 5G. Notably, the World Intellectual Property Indicators of 2023, revealed that the year 2022 witnessed the highest number of filings ever recorded in a year with 3.46million global patent applications³¹.

2023 also marks a decade since the World Intellectual Property Organisation (WIPO) conceived WIPO GREEN, an initiative which serves as an online marketplace for accelerating green innovation thus ensuring sustainability and contributing to providing solution to the problem climate change. According to the World Economic Forum's Top 10 Emerging Technologies of 2023³² the majority of the emerging technologies are sustainable innovations which range from flexible batteries to generative Artificial Intelligence (AI) to sustainable aviation fuel. This bears credence to the impact of the WIPO's initiative in fostering sustainable innovation and providing a marketplace for sustainable and environmentally conscious innovations.

In the realm of outer space explorations, the year witnessed significant innovations, notably, Space X's satellite-based internet project; Starlink. As at the time this article was put together, Space X had launched 59 Starlink Missions, with the latest launch occurring on December 8, 2023³³. As we approach 2024, an upswing in outer space innovations is anticipated. While there has been minimal patent infringement claims in outer space, there is a pressing need for a more robust intellectual property regime to ensure comprehensive protection of intellectual property rights in outer space.

31. [World Intellectual Property Organisation's "World Intellectual Property Indicators", 2023 accessible at World Intellectual Property Indicators 2023 \(wipo.int\)](#)

32. The World Economic Forum, Centre for the Fourth Industrial Revolution In Collaboration with Frontiers Media, "Top 10 Emerging Technologies of 2023"

Flagship Report, June 2023 accessible at [WEF Top 10 Emerging Technologies of 2023.pdf \(weforum.org\)](#)

33. Space X Website accessible at SpaceX - Launches

2024 OUTLOOK AND PROJECTIONS



From the earlier parts of this wrap-up report, it is evident that the entertainment sector in Nigeria in 2023 experienced significant development. With the rapid devaluation of Naira in 2023, the country's inflation has worsened to about 25.80 per cent as business activities continue to experience slowdown due to rising input costs, food prices and transport fares. The International Monetary Fund (IMF), in its report has indicated that Nigeria's government debt would rise by 4.3 per cent of its GDP in 2024 from 38.8 per cent in 2023. The IMF report also projected that Nigeria's real GDP would slightly grow from 2.9 per cent in 2023 to 3.1 per cent in 2024.³⁴

In the face of a challenging economic climate, we still believe that the entertainment industry will make great strides in 2024. First, the Nigerian entertainment industry has experienced a significant shift in content distribution and promotion over the last two years. Artistes, record labels, comedians, and music promoters are massively utilising video-sharing platform such as TikTok to promote songs to reach a global audience.³⁵ Further, in the global gaming industry, Nigeria is also thriving. In 2022, games sold in Nigeria generated US\$249.4 million in revenue, the largest in Africa, according to a new report by research firm, Newzoo.³⁶ This clearly suggests that some international corporations and entities are still willing to make their way into the Nigerian market, despite the negative economic projections for 2024.

It is also worthy to note the massive attention on generative AI in the past year, that led to the establishment of more and more tools for users. This could lead to creating highly realistic virtual actors, generating personalized content for immersive experiences, or even assisting in the production of movies and video games. The generative AI market is expected to see significant growth in the coming years, with a forecast Compound Annual Growth Rate (CAGR) of over 24.4% from 2023 to 2030.³⁷

That said, a major factor that will determine how the entertainment industry will fare in 2024, is the passage of the National Broadcasting Commission (Repeal and Enactment) Bill 2023, popularly known as the Social Media Regulation bill, which includes provisions to regulate social media in Nigeria. While this bill largely focuses on regulating broadcasting networks and companies, a provision of the bill seeks to make rules for over-the-top services and online media platforms in partnership with mega social media companies like Meta, Twitter, YouTube, TikTok etc. The implications of this bill, if enacted, remain a topic of discussion. On one hand, it could establish regulatory frameworks for online media, providing a structured environment. On the other hand, concerns are raised about the potential hindrance it might pose to the growth of the entertainment industry in Nigeria, given its substantial reliance on social media.³⁸

On the sports scene, the 2024 Olympics scheduled to hold in Paris are poised to exert a considerable influence on the entertainment industry globally. With a spotlight on athletes' personal narratives, opportunities for collaborations in performances, increased viewership leading to advertising and sponsorship boosts, and the event's impact on television and streaming trends, the Olympics create a dynamic intersection of sports and entertainment. Moreover, the cultural and social significance of the event may shape entertainment narratives, while the legacy projects and global collaboration in entertainment production present unique opportunities for creative exploration.

34. Ehime Alex "Nigeria to face higher debt burden in 2024, says IMF" (<https://www.icirnigeria.org/nigeria-to-face-higher-debt-burden-in-2024-says-imf/#:~:text=Inflation%20is%20still%20too%20high,3.1%20per%20cent%20in%202024.>)

35. Toyosi Olajide "TikTok's Growing Influence on Nigeria's Entertainment industry" (<https://brandcom.ng/2022/04/tiktoks-growing-influence-on-nigerias-entertainment-industry/>)

36. Wazoplus "The Duo Driving Africa's Gaming to US\$1 Billion: Nigeria And Ethiopia" (<https://www.wazoplus.com/article/the-duo-driving-africas-gaming-to-us1-billion-nigeria-and-ethiopia-f299f56d>)

37. Statista "Generative AI-Nigeria" (<https://www.statista.com/outlook/tmo/artificial-intelligence/generative-ai/nigeria>)

38. Joy Eruane "Bill of the Week: Resurrection of the 'social media bill'" (<https://orderpaper.ng/2023/10/28/bill-of-the-week-resurrection-of-the-social-media-bill/>)

2024 OUTLOOK AND PROJECTIONS



FRONTIER TECHNOLOGIES AND AI REGULATION

We envisage that AI will remain a major headline item at the top of local and international IP discussions as frontier technologies continue to evolve and integrate into various facets of human lives. In fact, according to Finances Online, the global AI market size of \$150.2 billion is projected to increase in 2024 with a rise of \$15.7 trillion by 2030. Thus, contributing a 26% increase in global GDP by 2030.³⁹ Furthermore, we anticipate law makers across several jurisdictions attempting to legislate on the ethical use of AI and the niche areas in relation to the protection of IP. Specifically, the use of IP protected works in the development of AI systems in a bid to curb the widespread infringement of IP.

SUSTAINABILITY AND IP

Another sector projected for IP prominence in 2024 is the sustainability industry. According to Global Market Insights, the market size for the green and sustainable industry was valued at \$14.3 Billion in 2022 and projected to increase by over 19.5% between 2023 and 2032 owing to the increasing awareness of environmental responsibility and sustainable practices.⁴⁰ Environmental sustainability is not just a trend, it's becoming a necessity in business strategies, and IP management is no exception.⁴¹ We envisage that the increased sustainable practices will birth eco-friendly or green technologies requiring IP to leverage on global protection and adoption of sustainable practices viz green technologies.

DEVELOPMENT IN IP JURISPRUDENCE

In the wake of legislative efforts to protect IP rights, we envisage that the courts will play a major role in the development of IP jurisprudence in Nigeria. Particularly as Nigeria recently ushered a new legal framework for the protection of copyrightable works in Nigeria. We anticipate traction in the realm of copyright regulation/administration by the Commission. Specifically, we anticipate the enactment of subsidiary legislation to cater to the objectives of the new Copyright Act. Further, we anticipate industry-defining precedence on the salient issues emanating from the intersection between AI and IP.

In any event, we project that the Nigerian creative industry will not slow down in 2024 and will continue its growth trajectory, due to, amongst others, its peculiar resistance to unfavourable regulatory climates and stiff economic conditions.

39. <https://financesonline.com/artificial-intelligence-statistics/>

40. [https://www.gminsights.com/industry-analysis/green-technology-and-sustainability-](https://www.gminsights.com/industry-analysis/green-technology-and-sustainability-market#:~:text=Green%20Technology%20and%20Sustainability%20Market%20size%20was%20valued%20at%20USD,actor%20driving%20the%20market)

[market#:~:text=Green%20Technology%20and%20Sustainability%20Market%20size%20was%20valued%20at%20USD,actor%20driving%20the%20market](https://www.gminsights.com/industry-analysis/green-technology-and-sustainability-market#:~:text=Green%20Technology%20and%20Sustainability%20Market%20size%20was%20valued%20at%20USD,actor%20driving%20the%20market)

[%20growth](#)

41. <https://www.ipseworld.com/>

AI	Artificial Intelligence
BFA	Business Facilitation (Miscellaneous Provisions) Act, 2022
CA 2022 or the New Act	Copyright Act 2022
CAGR	Compound Annual Growth Rate
Def Jam	Def Jam Recordings
DSPs	Digital Streaming Platforms
IMF	International Monetary Fund
IP	Intellectual Property
IPRs	Intellectual Property Rights
ISP	Internet Service Providers
NCC	Nigerian Copyright Commission
NFTs	Non-Fungible Tokens
PDA	Patent and Designs Act
SVODs	Subscription Video-On- Demand platforms
The Old Act	Copyright Act 1988
TMA	Trade Marks Act 1967
WIPO	World Intellectual Property Organisation

CONTACT US

Lagos

The Adunola
401 Close,
Banana Island, Ikoyi,
Lagos, Nigeria

Abuja

4th Floor, Leadway House
Plot 1061, Cadastral Avenue,
Central Business District,
Abuja, Nigeria.

Port Harcourt

Flat 5, BICS Suites,
25 Herbert Macaulay Street,
Old GRA, Port Harcourt,
Rivers State, Nigeria

Toyosi Alabi

talabi@olaniwunajayi.net

www.olaniwunajayi.net

+234 1 270 2551

London

29th Floor, 30 St Mary Axe
London
EC3A 8AF
United Kingdom
+44 (0) 207 337 6012

OHADA

Immeuble Axa,
Rue Franquville
Douala
Cameroon