

COPYRIGHT

Copyright is perhaps the most popular intellectual property to an average citizen of a developing country. This may be as a result of the presence of copyrightable works in a society. There is barely a nation that thrives in the absence of functional education, entertainment, media and publication sectors, to mention but a few of the copyright related industries.

On the face of it, copyright deals with original works such as writings, music, drama, art and photography, films and so on and by extension, sound recordings, data compilations, choreography, broadcasts among others. Generally, these are broadly categorised into literary, dramatic, musical and artistic works.

Although more complex, the term 'copyright' is used to describe the intellectual property rights granted to a creator or an inventor of a copyrightable work. It confers on a right holder two (2) types of rights;

1. Economic rights
2. Moral rights

While economic rights grant a right-holder the ability to derive financial reward from the utilization of his creation(s) through personal and public use or licenses, moral rights protect the non-fiscal interests of the author/ creator. Economic rights include the right to reproduce, perform, translate, adapt, and sell his/ her creation among others. The most significant of moral rights is the right of the creator to be associated with or identified as the creator of the work being used and/or oppose mutilations of any sort of his work. There are a number of theories of justification of copyright, some of which are the labour and natural rights theories, which establish the rationale underlying the protection of copyrightable works.

Unlike other intellectual property rights and to the extent as a national law may provide, copyright is recognised as an unregistered right. Enforcement of this right as every property right is territorial. However as a result of international relations, international market economy, growing advancement of technology and proliferation of multi-national co-operations there is the challenge of the extra-territorial dimension and enforcement of intellectual property rights such as copyright. For this reason, there are international treaties and agreements to aid national laws in the formulation of national laws, taking notice of the international dimension of these rights.

Copyright is also concerned with the interests of the public as it is with right-holders and strikes a balance between these interests by regulating the use of copyright in the society.