

# IN SEARCH OF STATISTICS FOR THE MONSTER: PIRACY AND THE PRECARITY OF THE NIGERIAN FILM INDUSTRY

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## **Abstract**

The study investigates piracy from three categories of stakeholders outside the 3% elite population that patronizes the mega stores. The youth represent a high population of movie viewers found in the suburban areas of selected cities. It also took account of those in the universities that constitute major patronage but do not actually pay the right price for the films. There was the need to study the unique and peculiarity of Nigerian piracy, the level of awareness of consumers of pirated products, the level of involvement of the youths, and if operates uniquely, and exhibits different dynamics from foreign examples, as well as the effectiveness of the antipiracy bodies. This study selected 16 low-budget filmmakers and sampled the opinions of 500 online-dependent university students including TV/DVD-playback suburban youth population. Findings reveal that those who advertently or inadvertently patronize pirated movies account for 88%, with 93% proliferation of low-quality pictures. 100% of university students sampled depend wholly on online downloads, except if compelled to stream online. Mutual suspicion characterizes Nigeria's film industry, and the study identified six categories that unfortunately make the list of collaborators of Nigerian pirates with unregistered marketers accounting for 93.8%, unscrupulous practitioners outside the registered unions (75%), while 53.3% implicated the regulators. Nigerian film piracy exhibits a special peculiarity of illegally copying, printing, and publicly selling these counterfeits with impunity. And sadly, to the chagrin of creative artists. The study concludes that Nigerian pirates and their patrons enjoy the unhindered liberty of operating publicly, and the law enforcement agents do not yet have the magic wand to end it. Getting listed by Netflix has become a major breakthrough, while the return of cinema viewing centres presently serves as another avenue of direct negotiation and control for Nollywood filmmakers.

**Keywords:** Piracy, Nollywood, Low-budget films, online download.

## Introduction

Compared to Hollywood, Bollywood and other established film industries around the world, Nigeria's Nollywood in its 30<sup>th</sup> year is still growing and learning. However, it has not been spared the wrath of piracy due to the interest generated, emerging celebrities, fame and financial fortune associated with the film industry. The number of filmmakers and the number of films has continued to sour, but the average income per film appears to be a mere break-even for most low budget film producers. This poor return has been attributed to film piracy. The industry produces well over 2,500 movies annually, but piracy, it is believed, takes a larger chunk of the expected profits due to filmmakers. Thus, filmmakers have lamented the inability to recoup projected return on investment, which also has restricted producers' ability to plow back into the industry for bigger and better-quality film projects. The Nigerian film industry has confronted this monster since 1992 when the first Nollywood movie broke the barrier of becoming a Nigerian film brand. Apart from Nollywood as a national brand, other geopolitically identified brands known as Callywood, Kannywood, and Igawood exist as indigenous language brands. Each has experienced its share of piracy. As a global phenomenon, Nigerian piracy has defied solutions. To this end, piracy has drummed up facets of mistrust, including mutual suspicion between filmmakers, producers, promoters, and potential sponsors. Filmmakers complain of rip-offs with many film projects put on hold, and little capacity to reinvest. This precarious situation has led to a weaker investment spirit among the major stakeholders in the film art business in Nigeria, particularly the low budget filmmakers.

## Objectives of the Study

The study set out to ascertain the following:

- 1) If there is sufficient awareness by the consumers of pirated films.
- 2) Determine the role of the student population in the scourge of piracy.

- 3) To evaluate the role of unregistered marketers and allied stakeholders in Nigerian piracy.
- 4) To appraise the effectiveness of Nigeria's antipiracy laws.

## Methodology

The study carried out a survey among students of tertiary institutions using a simple questionnaire to ascertain the level of students' involvement in piracy. We also interacted with consumers and cybercafé operators among some high-density areas of Lagos state where open market piracy is predominant to determine the level of awareness and involvement. The study as well sampled the views of low budget filmmakers and producers on the roles of marketers and other stakeholders to determine the routes of piracy and sabotage against the filmmakers and the industry, and corroborated available information from critics and regulatory bodies. Data were quantitatively and qualitatively analyzed.

## Literature Review

### Why Piracy, and Why Worry About Piracy, and Internet Piracy in Particular?

"Piracy is Back!" Damjan Jugovic Spajic (2023) takes a look at his post-2017 article and affirms that "internet piracy isn't ethically justifiable but is convenient. If you want to legally watch and rewatch *The Crown*, *Game of Thrones*, and *The Handmaid's Tale*, you must pay for three separate streaming services: Netflix, HBO, and Hulu. Before you know it, your monthly expenses will have skyrocketed". Replant this view to your country with all trending movies, and the view of people seeking cheaper or free alternatives tally and push the global record to over 230 billion viewers annually. Piracy simply upgraded its operating platforms from physical discs to internet platforms that offer virtual ownership with the click of a button. It then follows that:

Digital piracy accounts for significant revenue losses in the music, broadcast, publishing, and movie industries. Internet users are hungry for free content and are constantly looking for sources to enjoy their favourite TV shows, movies, songs, and more. However, in many cases, they are unaware of the harm piracy sites pose to the economy (streamsafely.com, 2021).

They report that about 70% of internet users see nothing wrong with piracy sites and their content. Unfortunately, this brutal ignorance with a record 230 billion viewers robs the global TV and movie industry of over \$50 billion in revenue. They noted also that the pandemic increased the menace of piracy by 40% when people experienced weakened economic power due to the lockdown. Sadly, streaming sites for music and film account for 80% of illegal streaming piracy.

Shujen Wang (2003) observed two major distinctions in copyright acts:

First, copyrights protect only the expression of ideas, not the ideas themselves. Copyrights therefore favour publishers and distributors, not authors. Second, with the development of digital technology, "works of authorship" are no longer fixed in any tangible medium of expression. Content is thus separated from a medium, giving rise to opportunities for piracy as well as to the DMCA, which was passed in an effort to curb the piracy problem. (p.25)

He pointed out that Hollywood's reputation as an international industry dates back to the 1920s and, over the years, roughly 65 per cent of total box-office income comes from international box-office sales. Thus making "centralized distribution essential to overseas operations of the major studios. Piracy and copyright infringement can be incapacitating" (p.29).

The most audacious and profitable crimes are those with legal prohibitions, but which are not policed, piracy is one. This

connects Louise I. Shelly's view that "counterfeits may be the least policed form of transnational crime" (Shelly, 2013, p.19). Piracy is broad, but principally, it is divided into two: those that merely violate copyright provisions, and those that cause threats to life and society. Generally, counterfeiting exemplifies and underpins the idea of illegal engagement involving the reproduction of cultural, artistic, and intellectual products for profit by someone who did not originate it. Counterfeiting is not new, it merely increased through globalization (Shelly, 2012, p.22). It dates back to the Roman era (Ridout, 2012).

As advanced as founders and practitioners of the motion picture business were, and despite the efforts made at record-keeping in America and elsewhere, reliable data that could predict box office hits did not emerge until the 1990s, when "the literature on the determinants of movie profitability took a step forward with the availability of larger data sets and more sophisticated econometric analysis" (Chrisholm *et al*, 2015, p.22). Their study of five research papers with evidence of financial outcomes also revealed the bargaining power of talents and film studios, as well as the kinds of films that made a difference. Most importantly, it revealed films about family and their sequels predictably sold out. Inadvertently, this also became a vital weapon that enabled film pirates to forecast and make perfect predictions based on the pedigrees of directors, cast, and most importantly, the outcome of the original films on which sequels are based. However, Liye Ma *et al* (2014), as if giving a premonition to the Chrisholm *et al* (2015), studied the impact of pre-release movies on piracy, and found that pre-release piracy causes a 19% decrease in revenue compared to piracy that occurs post-release.

Baldwin (2004) examines the rise of the digital public as the emergence of the digital or cybermarketplace with an intellectual approach, where three critical stakeholders are "caught in the crossfire between rights owners—authors and assignees—and the audience" owing to free access to knowledge at little or no cost, unprecedented patronage, and emoluments owing to authorial rights in what makes participant creators

intellectual entrepreneurs. By winning the war for free access to cultural and intellectual properties, the internet became another source of worry for the physical creators of art and entertainment products, particularly, where volumes of films, as many as 16 films, made with hundreds of millions of dollars were loaded on one DVD for a few dollars over the counter purchase or downloaded free. In Nigeria, such DVDs sold for two hundred naira (about 20 cents). Sadly, "print pirates have been hailed as the Robin Hoods of intellectual property—fighters against censorship and for unhampered circulation, broad access, and universal illumination" (2004, p. 321).

In comparison, most of the Nollywood films are still low budget. From a linear perspective, the slow growth of independent filmmakers, particularly low-budget filmmakers, appears to be a regional debacle until a global perspective compares. Apprehension follows the failures or the gradual withdrawal of attempted filmmakers due to low returns that seemed limited to poorer countries that operate in harsher economic environments, with little or no government support. However, a report by Sarah Salovaara (2013) declares that there are no benchmarks of assurance for this category of filmmakers, even in the United Kingdom. The prayer according to Salovaara is to get "accepted into a festival, that someone buys it, that it finds its audience, that you reap a modicum of returns, before daring to do it all over again. Or maybe, not." Her assertions were based on the statistics of a 10-year study up to 2013 by Stephen Follows of the British Film Institute who drew up a list of 2,737 films. He tried to determine the trajectory of low-budget filmmakers within a little above 500 pounds. The finding was that "Only 15% of writers, directors, producers, and actors continue to work on either side of the budget margin, while just 13% of producers who produced a low-budget film go on to make another one. Shocking still, a mere 3% of directors who make their first film go on to make two more." ([filmmakersmagazine.com](http://filmmakersmagazine.com), 2013). This interesting view is not unlike what obtains in Nigeria's Nollywood, held, of course, by fear, and apprehension rather than statistical accuracy. Salovaara's review, however,

was silent on the major attributions for the uncertainty other than the vagaries associated with start-ups.

One way the African film marketers, and Nollywood marketers in particular lose out is the inability to capitalize on the demand for Nollywood as a strong cultural product and take control of yawning cross-border markets along the West African region. The American movie marketing policy has perfected this strategy, followed by Asians. As Shujeng Wang (2003) observes, roughly 65 percent of all big movies' total box-office income comes from international box-office sales. (29). Cultural commodities among which film is major are very effective means of creating regional blocs, through which consumer awareness, attitudes and purchases, and loyalty can subsist. In so doing, they develop an identity unique to their origin, but most importantly, take control of their market and revenue through transnational commodification of culture. Using the Asian regional formation alliance experience, Nassim Kadosh Othmazgin (2005) observed that Asia "experienced a renaissance rooted in the growth of its economies and booming consumerism, and manifested in massive new cultural innovation, production, dissemination, and consumption." This was achieved through popular culture and transnational media alliances, which yielded a collaborative and integrative market for the emergence of commonalities of identities (500-501). And, as Jane Gaffney (1985, p. 53) observes, it tags along with it, the advantage of an undeniable social change and economic transformation for being a leisure that cuts across social strata, for the simple fact that everyone sees themselves in it. But the economic benefit of film art becomes realizable when the youth and middle-class population are active consumers that actually pay for it. Thus, circumventing effective demand by any means for any reason amounts to sabotage, as well as counterproductive.

### **Precarity and Nigeria's Film Piracy**

There is no doubt that the involvement of the Internet in the scheme of economic and social activities has affected the

ways businesses are done and these include design, manufacturing, packaging, sales, and consumption of products. The computer and telephone became the two most important tools to access products on digital platforms in what has become a universal habit and a near cultural norm. Nigeria quickly embraced the GSM tradition with its daunting population. The Nigerian Communications Commission (NCC) as of December 2022, said the number of active mobile subscribers in the country had reached 222.571 million, while internet subscribers had exceeded 154.8m (NCC.org) and corroborated by the National Bureau of Statistics bulletin released in Q4 of April 2023. The embrace of this technology has great implications for Nigeria's film industry and the monstrosity of film pirates.

What is precarity? In our view, precarity in the context of this paper is the apparent existence or presentation of danger or the fear of it, insecurity or the fear of it, loss or the fear of it, vulnerability, or the fear of it, shrinking expectations or the fear of it, revenue war with vandals, and the palpable incapability of ever winning it. In this sense, we can conveniently say that operationally, precarity acts as an auxiliary to piracy. That is the fear of piracy and all the allied dangers that piracy poses to the Nigerian film industry. It exists in varying degrees between the gyres of capitalist desire and legal protection. But the dimensions are almost inexhaustible. Lauren Berlant (2011) sees it as a cruel optimism, where the inordinate capitalists destabilize productive resources and dent expectations according to the dictates and whims of the market.

Piracy as it were, is the illegal copying of the contents of protected works in a manner that infringes on the copyright owner. Many have expressed it differently, e.g., Dave Johnson (2021) who also lists the different online sources as streaming sites, peer-to-peer networks, cloud services and cyberlockers, and online auction sites. Books are done by illegal reprinting, downloading, and photocopying; music and video by illegal download, copying, and transfer, etc., and with technology, all can be done online or offline, hence the phrase "internet piracy", or digital piracy. Illegal streaming sites, about 84,000 of

them also earn extra money through advertisements as Kelly Giblom (2021) in his review of the Bloomberg report observes that pirated entertainment sites earn about \$1.3m annually from advertisements. Unfortunately, these adverts are inadvertently placed by their victims, including major brands.

The Nigerian experience involves the brazen chops of film pirates into the expected proceeds of creative works of performing artists with professional elusiveness. Before 1990, Nigerians were familiar with pirated books and music, but only a negligible percentage of it belonged to local authors and performers. However, for almost thirty years, and in fact, after the success of *Living in Bondage* (1992), which spurred the formation of Nollywood, the Nigerian film industry began to feel the impacts of film pirates directly, and the illusions of chasing an ever-present, dynamic cankerworm that remains as vague as a virtual abstraction. In the end, the creative, performance, or entertainment industry loses substantially to thousands of these executive armchair rogues who do not invest to encourage creativity but only scavenge the inventor's success.

Piracy broadly involves the reproduction of copyright-protected works without prior permission from the owner(s). Itanyi (2022) stated that this violation can prove damaging to the original creator, lessening his incentive to create new works. Thus, the Nollywood Film industry has continued to witness great financial losses. About twenty years into the growing industry, Chidi (2011) noted that piracy was the principal reason why the industry is not thriving as expected in the global creative economy. This situation does not seem to have changed.

However, the advent of film and video streaming platforms has been both a blessing and a curse, especially for commercial filmmakers whose major aim is to derive profit from their products. It is a blessing because Nigerian filmmakers are suddenly realizing that online streaming generates revenue far more than cinema screening and DVDs that pirates now control. Pirates do this with little skill, making fortunes from replicating and mass-producing lesser-quality videos, and

selling them at very low prices using an established massive distribution network. It is a curse because the monster of piracy and intellectual property theft has become more prevalent and inimical to Nollywood’s expected growth after thirty years. As a hydra-headed monster, it adapts to changing environments and evolving innovations, while resisting confrontation from the government and the filmmakers.

As it obtains in many climes around the world, piracy is an offence under the Nigerian Copyright Act (NCA) which defines the offence and also prescribes the punishment against piracy. However, Itanyi (2022) explains the minute details to Nigerians and how involved they all have been, to the extent that “every time they share a song or copy a video... sharing content with family members constitutes infringement” (n.p). This is not limited to Nigeria, even though France and some countries may allow it. However, schedules 2 to 4 of the NCA made some exceptions in terms of statutory permissions which allow for “use with permission”. These exceptions include the “educational use exception” and “fair dealing exemption”. The academic exemption provides for the use or replication of products within institutions of learning but must be fully acknowledged. On the other hand, the “fair dealing exemption” makes provision for exceptions on products that cater to the interest of the wider society such as public libraries, institutions for the disabled, and government establishments. In clear terms, the Nigerian Copyright Act (2004), chapter C28, states that anyone charged with pirating cinematograph films, musical works, sound recordings, etc. will be subject to a fine of N100-N1,000 (i.e., between \$.07 cents and \$1.3 cents) for every copy assessed or be sentenced to terms not exceeding five years in prison or both. However, these are brazenly flouted.

**Projected Growth, Stunted Expectations**

The illegality of piracy in Nigeria is taken with levity given that pirated movies are sold in bulk among major markets, and on all video shops across the country. PriceWaterhouseCoopers

forecast (2018) reveals an expected 8.6% annual growth between 2017 and 2021, consequently, Nollywood revenue would reach \$22m due to international recognition and increased investment. The predictions lived up to expectations despite losing about \$1m to piracy annually. In 2017, the Nigerian Copyright Commission “carried out 49 strategic operations and 99 piracy surveillance in specific locations nationwide and apprehended 70 suspected pirates and recovered 1,301,649 pirated copyright works, including DVDs and CDs, all worth N1.26 billion.” (NCC Report, 2017, as cited in Oshin, 2023). But this brave action was not continued. However, Sheriff Oshin (2023) notes that with technology, Nollywood’s leaping growth still battles an enemy that plagued it from the start. As the creators seek solutions to fend off pirates, so do pirates get more ingenious while stakeholders lament. Quoting Gabriel Okoye, “Piracy in Nollywood made me bankrupt. Many Nollywood investors died young because of the frustration inflicted by pirates. They believe that the market is a sovereign state in Nigeria, where copyright laws are unenforceable” (Oshin, 2023). He was plunged into debt following his company’s printing of *Half of a Yellow Sun*, and *30 Days in Atlanta* with a loan from the Bank of Industry. Unknown to him, pirates already had access to the film before he was done printing for the Nigerian market. To date, the situation has not changed much.

**Presentation of Results (Low Budget Filmmakers)**

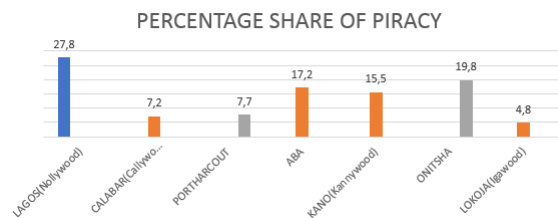


Fig. 1 Chart showing the existence of piracy and the level in the national and regional brands of Nollywood film industry by geographical location.



We sought to know the existence of, as well as the degree of piracy in the seven high-activity states, which also represented the opinion of low-budget filmmakers among the five local film brands (including Port Harcourt, Aba, and Onitsha as an extension of the Lagos National brand). Fig. 1 reveals that Lagos has the highest share of piracy (27.8%) followed by Onitsha (19.8), and Aba (17.2%) respectively. The three other brands are lower because they are indigenous language based and enjoyed by a targeted population.

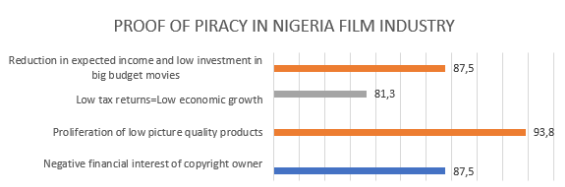


Fig. 2 Chart showing indicators of the existence of Piracy in the Nigerian Film Industry.

We sought to know if piracy was a mere claim by filmmakers, and sought knowledgeable proof of piracy from the filmmakers interviewed using the above indicators (fig. 2). 93.8% said their films were copied and mass-produced at low quality by faceless individuals while 87.2% said it reduced their expected income and prevented further investment, which in turn has adversely affected the growth of Nollywood (81.3%).

### Results for Students Participation

Sociodemographic Characteristics of Respondents (Students)

S/N	Category	frequency	Percent
	Age		
	19 - 22	500	100
	Total	500	100
	Sex		
	Male	320	64
	female	180	36
	Total	500	100
	Level of study		
	100 level	81	16.2
	200 level	90	18
	300 level	87	17.4
	400 level	104	20.8
	500 level	75	15
	600 level	63	12.6
	Total	500	100
	Religion		
	Christianity	306	61.2
	Islam	190	38
	Traditional religion	4	0.8
	Total	500	100

Table 1 Sociodemographic Characteristics of Respondents. Source: researcher's fieldwork.

Table 1 reflects the socio-demographic characteristics of the student population in our study. It shows that 100% of the respondents were within the age range of 19 - 22 years. This shows that they are young adults and are also most likely knowledgeable on the subject under discussion. While 64% of them are male, 36% are female. More details on the socio-demographics of the respondents are found in Table 1.

**Objective One: Role of students in piracy**

Table 2 shows a distribution of respondents(students) by their different participation in activities aiding piracy. Findings reveal that 98% of the respondents owned Android phones, this implies that they have the most needed instrument that enables online downloads. More than the average of the population (61%) agreed that they download movies using data, while 96% of the respondents stated that they were interested in watching movies on their phones. A good number of the students (78%) attested to being aware that pirated copies were sold in the open market and 64% were aware of the anti-piracy laws in Nigeria. However, 74.2% of the respondents stated that they will not continue to buy from the open stores if they are accused of being accomplices in aiding piracy, while only 9.8% of the respondent said that they will continue buying despite being accused of accomplices. This implies that there is a need for more enlightenment campaigns on the implications of the purchase of pirated movies. More details are reflected in Table 2.

Distribution of Respondents by Different categories reflecting their participation in activities aiding piracy

**Ownership of Android Phone**

Yes	490	98
No	10	2
Indifferent	0	0
<b>Total</b>	<b>500</b>	<b>100</b>

<b>Downloading movies on your phone using data</b>		
Yes	305	61
No	123	24.6
Indifferent	72	14.4
<b>Total</b>	<b>500</b>	<b>100</b>

<b>Interest in watching movies on your android phone</b>		
Yes	480	96
No	0	0
Indifferent	20	4
<b>Total</b>	<b>500</b>	<b>100</b>

<b>Expending between N6,000&amp; N9,000 on data monthly on average</b>		
yes	22	4.4
no	265	53
indifferent	115	23
<b>Total</b>	<b>500</b>	<b>100</b>

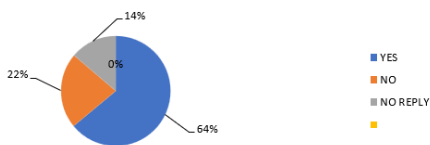
<b>Seen Omo Ghetto and Phone Swap</b>		
Yes	466	93.2
No	24	4.8
Indifferent	10	2
<b>Total</b>	<b>500</b>	<b>100</b>

<b>Whether Omo Ghetto was Purchased from an open store</b>			<b>Willingness to support moviemaking to continue to survive</b>		
	440	88	444	88.87	
Yes			7	1.4	
No	22	4.4	49	15.8	
Indifferent	13	2.6			
Total	475	100	Indifferent		
<b>Awareness that pirated copies are sold at the open stores</b>			Total	500	100
Yes	390	78	<b>Willingness to purchase an original copy of the movie at a cost between N1,500-N3,500</b>		
No	23	4.6	Yes	38	7.6
Indifferent	87	17.4	No	410	82
Total	500	100	Indifferent	52	10.4
<b>Awareness of piracy, and antipiracy laws by the Nigerian Copyright Act</b>			Total	500	100
Yes	320	64	<b>Willingness to buy an original movie if purchasing is the only option</b>		
No	111	22.2	Yes	278	55.6
Indifferent	69	13.3	No	201	40.2
Total	500	100	Indifferent		
<b>If they will continue to buy despite being accused of accomplice in aiding piracy</b>			Total	500	100
Yes	49	9.8			
No	371	74.2			
Indifferent	80	16			
Total	500	100			

Table 2 Distribution of Respondents by Different categories reflecting their participation in activities aiding piracy Source: researcher's fieldwork.

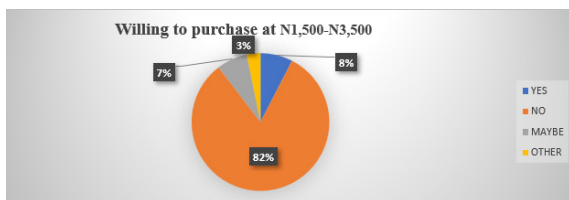
**Objective Two:  
Awareness of the consumers of piracy**

**Awareness of antipiracy laws and Copyright Act**



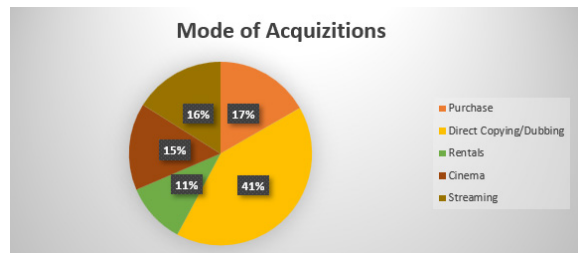
**Fig. 3**  
Chart showing the level of awareness of antipiracy laws in Nigeria.

64% said that they are aware of the antipiracy and copyright laws while 22% said they are not aware. 14% chose to be silent. The common denominator in all these is reflected in Fig. 7 where 82% are not willing to purchase at the recommended price, and Fig. 9 which indicates the available alternatives to internet streaming (15%) and direct downloading and copying (41%).



**Fig. 4** Showing percentage of people willing to purchase films at N1, 500-N3,500.

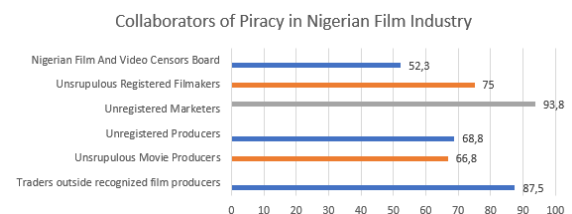
The chart critically shows that 82% of students are not ready to spend a whopping N1,000 -N5,000 to purchase a film, only 8% agreed to while 7% declined to comment.



**Fig. 5** e of film acquisition.

Rental (11%) used to be the easiest and preferred and affordable mode of obtaining films, however, Internet streaming and ease of downloading (16%) & preference for cinema box office busters (15%) have overtaken that. Yet Direct copying of downloaded films (41%) still tops, thus indicating the willingness for free or cheapest alternatives.

**Objective Three:  
The role of unregistered marketers in Nigerian piracy**



**Fig. 6** Chart indicating collaborators of piracy in the Nigerian film industry.

Piracy does not occur in isolation, it is aided and abated by stakeholders who have the advantage of the required technology, instruments of office or association. Filmmakers’ opinion is that unregistered marketers are responsible for the highest occurrence of piracy (93.8%). This is followed by traders who

steal and print illegal copies for the open stalls (87.5%), and unregistered filmmakers (75%), while sources within the regulatory board account for 52.3%.

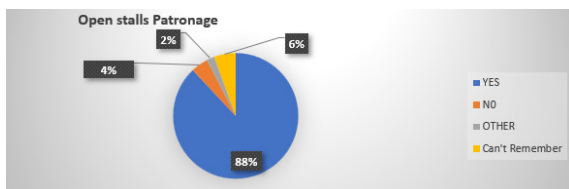


Fig.7 Chart showing open stalls patronage.

Unlike the university students, this category consists of the suburban population of Lagos who purchase DVDs for home watching. 88% say open stalls operated by unregistered marketers are their preferred marketplace, 4% said do not, while 6% feigned ignorance of the act.

**Objective 4:  
The effectiveness of antipiracy laws**

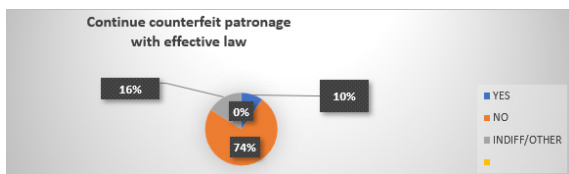


Fig. 8 chart showing the level of patronage of pirated products despite the awareness of antipiracy laws in Nigeria.

74% of students say even though they are aware of the antipiracy laws, they will continue to pirate because there are no consequences, only 10% would not, while 16% declined comment.

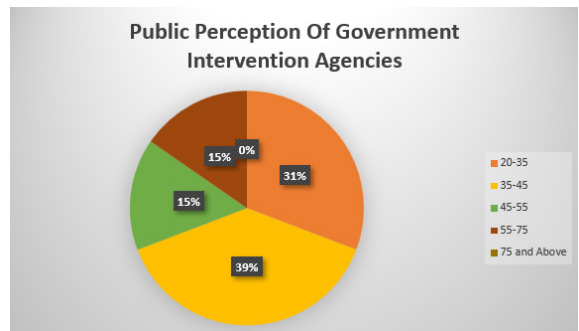


Fig. 9 Chart showing public perception of Government intervention Agency.

We sought to know the effectiveness of government intervention agencies such as the Nigerian Video Censors Board from the stakeholders. Only 15% of respondents scored above 55, 31% rated them below 35, and 39% of respondents awarded them between 35 and 45.

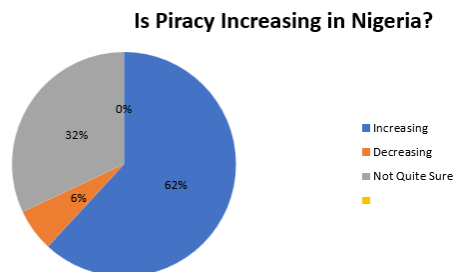


Fig. 10 Chart Showing the current state of piracy in Nigeria.

Producers and filmmakers strongly believe that piracy is increasing (62%), 62% are unsure, and 6% say it is decreasing.

**Movie Producers, Directors, and Marketers**

With reference to Fig.1, 16 low-budget filmmakers comprising producers, directors, cinematographers, animators, marketers, and screenwriters responded from seven states in Nigeria. They agree that mainstream Nollywood films are the most pirated (27%), while the regional-based Callywood (7.2%), Kaniwood (15.5%), and Igawood (4.8%). 68% of Nollywood stakeholders agree that Unregistered producers (68%), Unregistered marketers (93.9%), Free-agent Traders (87.5%), Unscrupulous movie producers (68.8%), Unscrupulous filmmakers (75%) partake in piracy. The general opinion of interviewed stakeholders believes that producers, directors and marketers who have not been engaged over time pirated the works of colleagues. At this stage, 87.5% agree that piracy occurs after film release but is often aided by prerelease leaks from production stakeholders to the film. 62.5% agree that piracy in Nollywood is increasing but is limited to high-grossing titles. Respondents see three major reasons as being responsible for piracy in Nigeria: unemployment (21.4%), greed (14.3%), and piracy as a lucrative business (7.1%). Nevertheless, low-budget filmmakers stake between N1.0 million naira and N2.0m (i.e., \$1,300-\$2,600), and any sale from N3m – N5m post expenses is encouraging. Mutual suspicion exists among filmmakers, producers, and marketers (100%), 87% agree that this decreases the interest in investment or even dream of increasing their filmmaking budget. Due to the fear of stiff competition by pirates, low-budget filmmakers hardly engage in extensive publicity but rather on loyalty networking with trusted marketers. However, it is better to go for an outright sale to a marketer. With the high proliferation of counterfeit videos (Table 2), online streaming and download proficiency, Nollywood stakeholders are astounded that Nigerian piracy is multifaceted, deeply entrenched, and backed by an established network that operates with impunity.

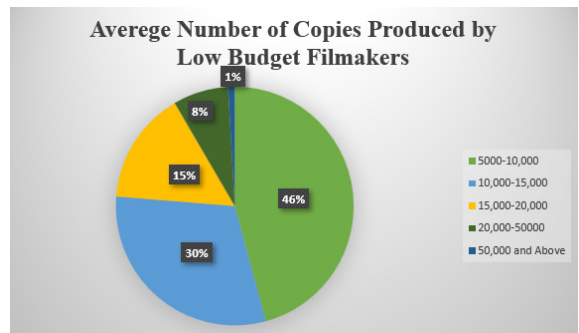


Fig. 11 Chart showing the average number of copies produced by low Budget Filmmakers.

The chart shows that most low-budget filmmakers rarely achieve 20,000 sales (8%), the sales of this category of filmmakers hovers between 5,000 & 10,000 copies (46%), but 30% claim to have grossed 10,000-15,000.

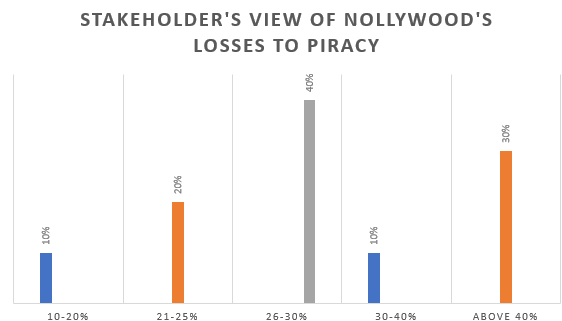


Fig. 12 Chart showing stake holders views on losses recorded by Nollywood as a result of piracy.

Figure 12 represents a critical point in the life of any business venture in search of sustainability. 30% of the respondents say they lose as much as 40% from the project profit while the lowest loss is 20% of what they expected to recoup in order to compete as remain consistent players in Nollywood.

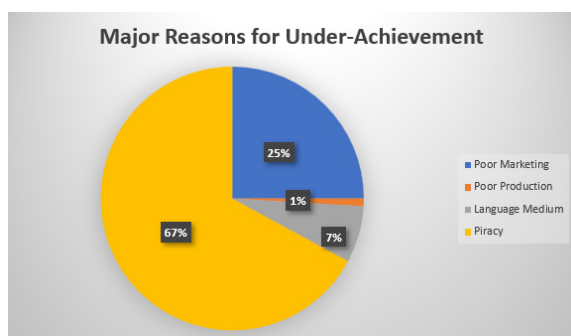


Fig. 13 chart indicating major reasons behind Nollywood's underachievement.

The views between elite producers and non-elite producers differ on piracy. Elite producers are educated and well-traveled and know the impact of the market if properly employed. Elite producers form the bulk of the 25% that believe that poor market penetration due to poor marketing mechanism is the reason pirates have the upper hand, while 67% assert that the syndicated network of pirates is far ahead of individual and regulatory agency bureaucratic efforts. Poor production (1%) is inconsequential because they are accustomed to poor pirated copies which are associated with poor quality.

## Discussion, Analysis, and Findings

There are hundreds of internet cafes across Nigeria with internet wizkids who crack websites and download hundreds of films. We sampled the opinion of 500 viewers in the open market, "How do you get the films that you watch?" Only 30% of respondents agreed to have purchased foreign films while 70% got theirs through other sources. "Other sources" represent avenues that do not reward the producer or filmmaker. Interestingly, this category of respondents is within the age group of 15-25, mainly internet-savvy youths, including undergraduate students. For Nollywood films, responses fall into three categories: borrowed from a friend, copied from a cybercafe, or watched /downloaded from YouTube. 60% agreed

to wait patiently until box office hit films come online before they saw them.

We sampled some internet cafes in four locations in the high-density areas of Lagos: Ikeja, Ikotun, Ajegunle, and Alaba. Alaba is an electronic market in Lagos, a hub where the bulk sale of pirated movies emanates. It lies at equidistance to Oshodi and Ikeja to the left, and Ajegunle to the right. The objective was to investigate if these cafes actually download and make copies of films. 70% of respondents claim that they have the know-how but do not engage in it because it is not as profitable. 10% of respondents say they do it specifically on request to their trusted clients. This means that operators of cybercafes are not members of the core film pirates who print counterfeit videos for open stall traders. In fact, a typical film shop in these locations apart from the mega stores offers 90% - 100% counterfeit videos. This is applicable to similar areas throughout Nigeria. Original videos can be obtained from megastores around the country which serve the very minute elite population. Popular online stores such as Jumia, and Jiji deliver to the homes. Nevertheless, these account for just about 3% considering that over "600,000 small shops and open-air markets dominate the retail landscape in Nigeria, accounting for 97%+ of national sales" (BCG, 2022)

Findings reveal two categories of pirated movie consumers. The first is the very high population who live in urban and sub-urban centres that watch films on video playback machines. This category purchases pirated video discs at a very cheap rate (65%) for general viewing in homes. The second category is the students in tertiary institutions who spend an average of 9 months in schools with mobile phones and laptops as daily companions. It is also a valid assumption that more than 88% of students in Nigerian Private Universities have Android phones. However, our findings (Table 2) reveal that 98% of all students interviewed have Android mobile telephones, 80% have Android phones and laptops, while 70% are aware of film-downloading sites. Students in higher institutions in Nigeria depend on Android phones and laptops to stream and

watch or download. Less than 20% subscribe to Netflix if such films are not available on free websites while 75% download from free sites. More than 70% of respondents are aware of copyright laws but less than 30% care less about them due to an apparent lack of enforcement. 80% say that it would be impossible for them to ignore pirated CDs because the cost of a copy of an original DVD film would buy 12 seasons of pirated films. Original movies cost between N1,500 & N3,500 (\$2 & \$5). However, 74% would not like to be caught as accomplices for aiding and abetting piracy. High-end users of data spend between 60 GB & 120 GB of data (encouraged by 100% data bonuses) costing between N9,000 & N12,000 monthly.

## Conclusion

The film industry in Nigeria continues to grow. The growth can be attributed to the high number of low-budget filmmakers who enter and exit the practice at will, while many remain in the industry cutting side business deals rather than undertaking new film projects. In fact, some claim to lose 40% or more to piracy for each film and would not dare to continue because other options exist in the industry. Producing for outright sale to direct marketers is still a highly priced option by low-budget filmmakers. The danger is that pirated copies flood the market after two weeks. 93.8% of the sampled opinion of this category of filmmakers accuse unregistered markers of collusion. Filmmakers would rather produce to get listed by Netflix rather than face a 100% battle with film pirates. Netflix has come as a major encouragement to the Nollywood industry but only about 0.3% of 2,500 movies produced in Nigeria annually have been listed by Netflix.

The first category of the youth population (general public; apprentices, peasant workers, secondary schools, etc.) form the hub of patronage and also constitutes the highest threat. They purchase pirated DVDs from the open stalls on the streets and markets and have little regard for quality or completeness. They also copy in flash drives to view on DVD players and televisions with USB input slots. This category also

dominates the viewership of the regional Nollywood brands, known as Callywood, Kaniwood, and Igawood for their indigenous language expression. There is low awareness of antipiracy law among them does not make any difference. The second category of the youth population (students in the universities) dominates the direct download fraction through unsolicited websites. Nevertheless, 55.6% spend approximately \$13-\$17 on data monthly rather than expend much on a couple of movies.

Counterfeit movies are sold unchallenged like any other provision on the stalls of Nigerian markets to a daunting demand. The poor enforcement drive of the regulatory agencies continues to embolden counterfeit production and patronage. Finally, we can reasonably conclude that piracy in Nigeria has a peculiar feature of lacking secrecy while legal prosecution of offenders is a rarity.

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