



PROTECTING THE BEAT: INTELLECTUAL PROPERTY RIGHTS IN THE MUSIC INDUSTRY



General Overview

On April 26 of every year, World Intellectual Property Day (WIPD) is celebrated. The theme for WIPD 2025, as determined by the World Intellectual Property Organisation (WIPO), is **IP and Music: Feel the Beat of IP.**

According to WIPO, “From the rhythms that invite us to dance, to the lyrics that echo our emotions, music enriches every aspect of our lives. World Intellectual Property Day 2025 highlights how creativity and innovation, backed by IP rights, keep a vibrant, diverse, and thriving music scene that benefits everyone, everywhere.”

In commemoration of WIPD 2025, Kenna has prepared a compendium of articles relevant to the music industry. This compendium is beneficial to different stakeholders in the music industry, from artists to producers, composers, record labels, publishers, collective management organisations and consumers/fans.

This compendium comprises a five-article series which provides an overview of music ownership and the key intellectual property considerations in the music industry. It offers insight into music composition rights, master recording rights, and publishing rights, while also exploring the intricacies of music sampling, licensing and distribution.





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OVERVIEW OF MUSIC OWNERSHIP AND ITS SIGNIFICANCE



1. Introduction

Ownership in the context of music refers to the legal rights held by an individual or entity over a specific musical work or sound recording.¹ These rights dictate who can use, distribute, license, and financially benefit from a piece of music. Artists and composers rely on ownership rights to earn royalties from sales, streaming, public performances, and licensing deals. On the other hand, music publishers and record labels invest in artists and recordings, using ownership rights to recoup investments and generate profits. In the current era dominated by digital platforms, ownership structures also influence how music is distributed, accessed, and monetised on streaming services, social media, and other digital outlets. Without a proper understanding of ownership and control structures in music, artists and stakeholders risk losing financial and creative control over their work.

2. Key Stakeholders in Music Rights

Due to the nature of music, the various elements that form a complete musical work, and the numerous contributors who collaborate to create a musical work, there are multiple stakeholders in the musical landscape.² Each of these stakeholders plays a distinct role in the creation, distribution, and monetisation of music. These stakeholders include:

i. **Artists** – An artist performs and

records a song or musical work. As the primary interpreter of the music, the artist brings it to life, serving as the vehicle through which the music is expressed and experienced. They are the primary creators of music, who write, compose, perform and record the songs.

ii. **Songwriter** – A songwriter creates the lyrics and melodies for songs. While it is often assumed that artists compose their own songs, this is not always the case. Some artists do write their own music, but many collaborate with or rely on professional songwriters. Additionally, some songwriters are artists themselves and may write songs for other performers.

iii. **Music Publishers** – Publishers manage the rights to musical compositions, manage licensing agreements, negotiate synchronisation deals, and collect royalties.

iv. **Record Labels** – Labels are responsible for financing, producing, marketing, and distributing recorded music.

v. **Performing Rights Organizations (PROs) and Collective Management Organizations (CMOs)** – These entities track music usage across various platforms, collect and distribute performance royalties on behalf of songwriters and publishers.

1 After Sunset Music, 'Ownership in Music Copyright' (After Sunset Music, no date) <https://www.aftersunsetmusic.com/resources/glossary/ownership/> accessed 28 February 2025.

2 Music Services, 'Navigating the Complexity of Music Rights: Why Outsourcing is Your Best Bet' (Music Services, no date) <https://www.music-services.com/navigating-the-complexity-of-music-rights-why-outsourcing-is-your-best-bet/> accessed 1 March 2025.

- vi. **Streaming Platforms and Digital Distributors** – These platforms negotiate licensing agreements with rights holders and pay royalties based on the number of streams or digital sales.
- vii. **Managers and Legal Representatives** – Artist managers, entertainment lawyers, and business advisors negotiate contracts, protect artists' rights, and ensure compliance with legal and financial obligations by stakeholders.
- viii. **Consumers and Fans** – While not directly involved in ownership, consumers influence the value of music rights through their purchasing habits, streaming choices, and concert attendance. Their engagement influences the commercial success of artists and the overall health of the industry.

Understanding the roles of these stakeholders is essential for navigating the landscape of music ownership. As technology and business models in the music industry evolve, the relationships among stakeholders continue to shape the future of the industry, making ownership structures more important than ever.

Generally, music ownership is divided into two main components: Publishing rights and Master rights.³ The ownership structure of a musical work significantly impacts the distribution of revenue,

creative control and intellectual property protection.

3. The Future of Music Ownership

The landscape of music ownership is continually evolving and has experienced significant transformations in recent years. This evolution is partly due to technological advancements that have changed how music is distributed and consumed. Whereas traditional record label deals once dictated the terms of ownership, new models are emerging that give artists greater control over their work.

4. Impact of Streaming on Ownership Models

Streaming has transformed how music is monetised, changing the industry's revenue structure.⁴ In contrast to the era of physical and digital downloads, where album sales generated lump-sum earnings, streaming revenue accumulates gradually through payouts per stream. This change in revenue generation structure also has significant implications for ownership.

Record labels have historically justified ownership of masters because they bore the financial risk of producing and distributing physical records. However, in the streaming era, artists can now release

3 ICMP, 'Understanding Music Copyrights and Licenses' (ICMP, no date) <https://www.icmp.ac.uk/blog/understanding-music-copyrights-and-licenses> accessed 1 March 2025.

4 Royalty Exchange, 'The Impact of Streaming Services on Music Royalties' (Royalty Exchange, no date) <https://www.royaltyexchange.com/blog/the-impact-of-streaming-services-on-music-royalties> accessed 3 March 2025.

their music globally with minimal upfront costs, making this justification less relevant.

Major labels have adapted by modifying contract terms to align with streaming's revenue model while still maintaining ownership rights. As a result, some artists are negotiating licensing deals rather than traditional label contracts.⁵ This approach enables the artists to retain ownership of their music while still benefiting from a label's marketing and promotional resources. Independent artists are utilising digital distribution platforms to bypass labels completely, maintaining full control over their music and earning higher percentages of streaming revenue.

The rise of blockchain technology and smart contracts could also create new possibilities and opportunities for music ownership in favour of the artists.⁶ With blockchain-based royalty tracking, artists can receive real-time payments for streams and ensure transparent revenue distribution without needing intermediaries.

5. The Rise of Artist Independence And Direct Distribution

With the traditional label system no longer being the only viable path to success in the music industry, the rise of artist independence has been fueled by the availability of platforms that allow musicians to manage their own careers without

relying on a major corporation. Platforms such as Spotify, Apple Music, and SoundCloud provide musicians with direct access to listeners, while services like DistroKid enable them to distribute music globally without relinquishing their rights.

A major advantage of independence is the ability to retain ownership of masters and/or publishing rights, giving artists greater control over licensing, royalties, and future usage of their work. This has led to a surge in musicians taking a more entrepreneurial approach and treating their careers like businesses, where they can oversee and control branding, marketing, and revenue.

Social media and crowdfunding platforms like Patreon have also helped artists build their careers through direct engagement with their fans and audiences.⁷ These platforms can also be used to release exclusive content, merchandise, and early access to music in exchange for fan support, further reducing reliance on traditional industry gatekeepers.

As technology continues to influence the music business, more artists are likely to pursue paths that grant them greater autonomy and enable them to shape their careers on their own terms. While record labels still play a significant role in the industry, ownership structures will continue to evolve, as the different stakeholders navigate alternative methods regarding ownership, distribution, and profit their work.

5 GQ, 'What Spotify Really Costs Us' (GQ, no date) <https://www.gq.com/story/what-spotify-really-costs-us> accessed 3 March 2025.

6 UNESCO, 'Policy Perspectives on the Future of Music Copyright' (UNESCO, no date) https://www.unesco.org/creativity/sites/default/files/medias/fichiers/2023/01/2-policy_perspectives_music_en-web.pdf accessed 3 March 2025.

7 Single.xyz, 'The Power of Direct Fan Engagement: Why Artists Share Content Exclusively with Fans First' (Single.xyz, 7 March 2024) <https://single.xyz/blogs/blog/power-direct-fan-engagement-artists-share-content-exclusively-fans-first> accessed 15 April 2025.

A pair of glasses with a dark frame and light-colored lenses is positioned diagonally across the frame. The background is a sheet of musical notation with various notes and staves, rendered in a dark blue color. The glasses are centered horizontally and vertically, with the text overlaid on the right lens.

UNDERSTANDING MUSIC PUBLISHING/COMPOSITION OWNERSHIP



1, Introduction

Music publishing refers to the ownership, management, and monetisation of a musical composition, including its lyrics, melody, and structure, regardless of the number of different versions or recordings that exist.¹ Ownership of music publishing determines who controls and profits from a song's underlying composition. Publishing rights govern the song's composition, i.e., melody, lyrics, and structure. These rights ensure that owners/holders receive compensation whenever their work is used, performed, or licensed.

A song's composition is automatically protected by copyright laws once it is created, granting the songwriter initial ownership. However, this ownership does not extend to recordings of the song, which fall under master recording rights. A composition can be re-interpreted and re-recorded by various artists, but the original songwriter retains the rights to the lyrics and melody, receiving royalties whenever the song is played, performed, or licensed.

2. Who Owns the Publishing?

Like all copyrights, ownership of the publishing rights over a musical work typically automatically vest in the creator/composer of the musical work; however, due to the complexities of the music industry, ownership of rights and ownership of rights is rarely straightforward. Music publishing rights may be shared among various stakeholders, depending on how the songwriter manages their intellectual property. The key parties involved include:

- i. **Songwriters** – The original creator of a song automatically holds the publishing rights. However, many songwriters transfer or share these rights with publishers who manage licensing and royalty collection.
- ii. **Music Publishers** – Publishers specialise in managing and monetising song copyrights. Their responsibilities include licensing, royalty collection, and promoting songs for commercial use.
- iii. **Performing Rights Organizations (PROs) and Collective Management Organizations (CMOs)** – These include entities such as Broadcast Music, Inc. (BMI), The American Society of Composers, Authors, and Publishers (ASCAP), and Performing Right Society (PRS), monitors and distribute royalties when a composition is performed in public settings, such as concerts, radio, TV, and streaming platforms.²

1 Ditto Music, 'Music Publishing Explained for Musicians' (Ditto Music, no date) <https://dittomusic.com/en/blog/music-publishing-explained-for-musicians> accessed 3 March 2025.

2 Ibid.



- iv. **Co-Writers (Split Ownership)** – When several individuals collaborate on writing a song, the publishing rights are divided among them based on a mutually agreed percentage.

3. Revenue Streams from Publishing

Music publishing is a crucial aspect of the music industry that generates income for songwriters, composers, and publishers. It involves managing and monetising musical compositions, distinct from the recordings of those songs. Through publishing, creators earn revenue from various sources whenever their music is used commercially. Understanding these revenue streams is essential for anyone intending to build a sustainable career in music. Owning publishing rights provides access to multiple income streams. The most significant sources of revenue include:

- i. **Performance Royalties** – These royalties are earned when a composition is played publicly, including radio broadcasts, concerts, live performances, TV and films, streaming platforms, and public venues.³ PROs and CMOs collect and distribute these royalties to songwriters and publishers.
- ii. **Mechanical Royalties** – These are generated when a song is reproduced and sold, whether physically or digitally, including CD and vinyl sales, digital downloads and streaming services.⁴
- iii. **Synchronization (Sync) Licensing** – These licenses must be obtained before a composition can be legally used in visual media, such as films, TV shows, commercials, social media content, or video games.⁵
- iv. **Sampling Licensing** – If another artist intends to incorporate elements of an existing song into their own work, they must obtain permission and compensate the original rights holders through licensing fees and a portion of future earnings.⁶
- v. **Derivative Works Licensing** – If a composition is remixed, translated, or otherwise rearranged/altered, the original rights holders still control its usage and can earn royalties from derivative versions⁷.

3 Vocal Media, 'The Relationship Between Artists and Record Labels in the Music Industry' (Vocal Media, no date) <https://vocal.media/art/the-relationship-between-artists-and-record-labels-in-the-music-industry> accessed 2 March 2025.

4 Ibid.

5 Ibid.

6 Romano Law, 'Music Sampling Rights: What You Need to Know' (Romano Law, no date) <https://www.romanolaw.com/music-sampling-rights-what-you-need-to-know/> accessed 3 March 2025.

7 Finnegan, 'Understanding the Importance of Derivative Works' (Finnegan, no date) <https://www.finnegan.com/en/insights/articles/understanding-the-importance-of-derivative-works.html> accessed 3 March 2025.

Since publishing rights remain valid for decades after a songwriter's lifetime, they provide a long-term income source (royalties) for the owner rights as well as continuing to generate royalties for heirs and estates.

4. Music Publishing Agreements (Publishing/Composition Ownership Agreements)

Given the peculiarities of the music industry and the multiple stakeholders, various agreements govern the interests of the various stakeholders. Music publishing agreements outline the management and monetisation of composition rights. These agreements determine the rights and revenue distribution among songwriters, composers, and music publishers.

Songwriters and composers typically sign contracts with music publishers who manage the administration and monetization of their works. These arrangements provide songwriters with financial advances and industry connections, but can also restrict their control over how their music is licensed. In some cases, artists negotiate publishing agreements, allowing them to retain ownership of their copyrights while a publisher oversees the business aspects. Common types of publishing agreements include:

- i. **Full Publishing Agreement:** In a full publishing deal, a songwriter assigns all of their publishing rights to a publisher in exchange for an advance and royalty collection services. The publisher manages licensing, royalty collection, and placement opportunities on film, TV, and commercials, and remits royalties to the artist.⁸
- ii. **Co-Publishing Agreement:** A co-publishing deal splits ownership between the songwriter and the publisher.⁹ The publisher assists with licensing and administration but does not have full control over the music, while the songwriter keeps partial ownership and receives a larger share of royalties.

Established songwriters who wish to retain some rights while benefiting from industry connections usually opt for this type of agreement.

8 1500 Sound Academy, 'The 7 Different Types of Music Publishing Contracts' (1500 Sound Academy, no date) <https://www.1500soundacademy.com/blogs/article/the-7-different-types-of-music-publishing-contracts> accessed 3 March 2025.

9 Ibid.



- iii. **Administration Agreement:** Administration agreements enable the songwriter to retain full ownership while a publishing company manages licensing and royalty collection for a small percentage.¹⁰ Artists seeking to remain independent while outsourcing royalty collection often choose this option.
- iv. **Sync Licensing Agreement:** A sync licensing deal grants a third party, such as a film studio, advertising agency, or video game company, the right to use a song in visual media.¹¹ The publisher or songwriter receives an upfront fee, which varies based on the project's budget and the song's popularity. This type of agreement can be very lucrative agreement as sync placements have the potential to generate long-term passive income.
- v. **Producer Agreements:** Producers play a crucial role in the recording process, and their contributions are typically governed by producer agreements. These contracts outline the producer's fee and the payment structure (upfront or through royalties), as well as whether the producer receives a percentage of royalties.¹² Some producers sell beats outright (work-for-hire), while others retain partial ownership and earn a share of future royalties.
- vi. **Work-for-Hire Agreements:** A work-for-hire contract is used when an artist, producer, or songwriter is compensated with a flat fee to create music without retaining ownership rights in the final product.¹³ The hiring party owns the work entirely, and the creator receives no future royalties. This arrangement is prevalent in commercial jingle production, film scoring, and ghostwriting, but is generally avoided by artists who want long-term financial benefits.
- vii. **Performance Agreements:** These agreements govern live performances and touring arrangements. They outline artist fees, revenue sharing, venue obligations, and additional benefits that the artist may wish to negotiate.

3. Conclusion

Understanding music publishing and composition ownership is essential for anyone involved in the music industry. Publishing rights not only determines who controls a song's composition but also defines how revenue is earned and distributed among creators and stakeholders. From performance and mechanical

¹⁰ Ibid.

¹¹ Vocal Media, 'The Relationship Between Artists and Record Labels in the Music Industry' (Vocal Media, no date) <https://vocal.media/art/the-relationship-between-artists-and-record-labels-in-the-music-industry> accessed 2 March 2025.

¹² The Flou, 'Music Producer Agreement' (The Flou, no date) <https://www.theflou.com/blog/music-producer-agreement> accessed 3 March 2025.

¹³ Music Made Pro, 'Work for Hire Music Pros: The Full Guide' (Music Made Pro, no date) <https://musicmadepro.com/blogs/news/work-for-hire-music-pros-the-full-guide> accessed 3 March 2025.



royalties to sync licensing and various publishing agreements, the world of music publishing provides multiple paths for monetisation and long-term financial success.

By understanding publishing rights and the agreements that govern them, songwriters, composers, and artists can make informed decisions that protect their creative rights and maximise their earnings. In a rapidly evolving industry, knowledge of music publishing serves as a powerful tool for sustaining a creative career and securing future income.



INTELLECTUAL PROPERTY CONSIDERATIONS FOR THE OWNERSHIP OF MASTER RECORDINGS



1. Introduction

The music industry has experienced significant changes in today's digital era, presenting new challenges and opportunities for artists, producers, and record labels. As the industry keeps evolving, it has become increasingly important to understand the role of Intellectual Property in the music industry.

Intellectual property in music refers to the legal protection of original works such as compositions, sound recordings, and lyrics. Copyright is the primary form of intellectual property protection within the music industry, which confers exclusive rights on artists or record labels to reproduce, distribute, perform, and display these musical works, enabling them to benefit from their works.¹

Copyright protection is automatically granted when a work is original and fixed in a tangible form. For instance, an artist becomes the copyright holder of a song if the song is original and fixed in a tangible form, e.g., written down or recorded. An understanding of intellectual property laws applicable to the music industry is crucial for accurately defining ownership terms and rights related to musical works.

2. Musical Composition and Master Recording Explained

In the music industry, a song is protected by

two types of copyright: Musical Composition Copyright and Master Recording Copyright.

- **Musical Composition Copyright:** This is also referred to as performing art copyright or publishing rights. It relates to the underlying structure of a song, which includes notes, lyrics, melody and chord progression. Composers, lyricists, and songwriters typically hold compositional copyrights, as their creative contributions to a track or album qualify for this protection. Once a song is written, it automatically becomes the creators' intellectual property, providing them with copyright protection.
- **Master Recording Copyright:** This is also referred to as sound recording copyright or masters. A master recording is the official original recording of a song, sound or performance. All other copies of the song are derived from the master recording, and its format can vary from tapes and discs to digital files.³ The master recording copyright protects a specific, recorded version of a song. Typically, either the recording artist or their record label owns this copyright.

The master recording copyright is crucial in the relationship between a recording artist and a record label. When a record label holds the master recording copyright for a

1 Yellowbrick, "Understanding Intellectual Property in Music: A Comprehensive Overview" <https://www.yellowbrick.co/blog/entertainment/understanding-intellectual-property-in-music-a-comprehensive-overview> accessed on February 24, 2025.

2 Yvonne Martin, "Understanding Copyright & Taking Control of your Music" <https://musicpromo.today.com/understanding-copyright-taking-control-of-your-music/> accessed on February 24, 2025.

3 Connor Edney, Master Recordings: What are they and why own them?" <https://create.routenote.com/blog/master-recordings-what-are-they/> accessed February 25, 2025.



song, it retains the right to dictate how it is used and exploited. In this scenario, the only right accrued to the artist will be the copyright of the musical composition.

3. Legal Framework Governing Master Recording Ownership

As highlighted above, copyright is the primary form of Intellectual property protection within the music industry. *The Nigerian Copyright Act, 2022*, regulates, protects, and administers copyright in Nigeria. Specifically, *Section 2 of the Copyright Act* provides for the works eligible for copyright, which include musical works and sound recordings (also known as master recordings). *Section 108 of the Copyright Act* goes ahead to define both terms as reproduced below;

“Musical work” means musical composition, irrespective of musical quality.

“Sound recording” means the fixation of a sequence of sound capable of being perceived aurally and of being reproduced, but does not include a soundtrack, accompanying or incorporated in an audiovisual work.

Musical works and sound recordings (master recordings) are works eligible for copyright protection, and the Copyright Act

further specifies the criteria for any musical work or sound recording to qualify for copyright protection; they are:

- **Originality:** Sufficient effort must be expended in making the work to give it an original character.
- **Fixation:** The work must be fixed in a medium of expression in which it can be perceived, reproduced or otherwise communicated either directly or with the aid of any machine or device.

When an artist's musical works or sound recordings meet the specific criteria outlined by copyright law, they become eligible for copyright protection. This means that if the work is original and fixed in a tangible form, such as a recording or written notation, it can be legally protected under copyright law. Copyright ensures that the artist has exclusive rights to reproduce, distribute, perform, and license their music, safeguarding their creative output from unauthorised use.

4. Who Owns the Master Recording?

Record Labels vs Independent Artists

Contrary to popular belief, the reality of master recording ownership is much more complex, as various individuals can contribute to the creation of a song.

For decades, traditional record labels generally required artists to transfer their masters to the label. Typically, when an artist signs with a record label, the label maintains ownership over the master recordings due to the financial, marketing, and promotional support provided to the artist. The rationale is that the record label has invested significantly in the artist and is entitled to financial returns. When artists transfer the copyright of their master recordings to a record label, the label can exploit the masters at its discretion without needing the artist's permission. All revenue generated from the masters goes to the label, which then distributes the earnings according to the terms agreed upon with the artist.

This is, however, not the case for an independent artist. An Independent artist is one who is not signed to a record label. The rapid growth of digital streaming platforms has enabled artists to operate independently, allowing them to publish and promote their works without relying on a record label. The implication of independent artists writing and recording their works without the support of a record label is that these artists retain ownership of the master recording of the songs.

As an artist, owning one's master recordings grants the legal right to control the music and maximise earning

potential. This ownership enables the artists to license their master recordings to third parties, such as TV shows, films, commercials, or for sampling by other artists. By owning the masters, the artist retains all their revenue from these licenses. On the other hand, if the masters are owned by someone else, such as a record label, those persons have the authority to license the recording and collect all the royalties.⁴

It is important to consider the ownership rights under Nigerian law. By virtue of Nigeria's Copyright Act 2022, when someone creates an original work and the work is in a fixed form, the author owns the work, unless ownership is transferred to another person through a written agreement.⁵ The copyright holder is usually referred to as the author. By virtue of Section 108 of the same Act, "Author" in the case of sound recording [master recording], means the person by whom the arrangements for the making of the sound recording were made.

The implication of the above provision in a relationship between a record label and an artist is that the record label is usually the owner of the master recording because they are the financier who make arrangements for the making of the sound recording. Similarly, in the case of an independent artist, he or she makes the arrangement for the making

4 Amuse, "What does it mean to own your masters?" <https://www.amuse.io/en/categories/industry/owning-your-masters/> accessed February 25, 2025.

5 Section 28 (1) of The Nigerian Copyright Act, 2022

of the sound recording and is therefore considered the author and owner of the master recording.

5. Rights Associated with Master Ownership

Certain rights are associated with master recording (sound recording), and they are provided for under *Section 12 of the Copyright Act 2022*. Copyright in a sound recording grants the holder the exclusive right to perform and authorise any of the following acts;

- a. Reproduce the sound recording
- b. Broadcast the sound recording
- c. Communicate the sound recording to the public
- d. Make the sound recording available to the public by wire or wireless means so that members of the public can access it from a place and at a time independently chosen by them.
- e. Distribute to the public for commercial purposes copies of the sound recording, either by way of rental, lease, hire, loan or similar arrangement; or
- f. Distribute to the public, for commercial purposes, copies of the work through sale or other transfer of ownership, provided the work has not been subject to distribution authorised by the owner.

It is important to emphasise that there are exceptions to the rights stated above. The rights conferred in respect of a sound recording, as stated above, do not include the right to control any of the acts stated above where they are done by way of fair dealing for the purpose of;

- Private use.
- Parody, satire, pastiche, or caricature
- Non-commercial research and private study
- Criticism, review or the reporting of current events, subject to the condition that, if the use is public, it shall, where practicable, be accompanied by an acknowledgement of the title of the work and its author, except where the work is incidentally included in a broadcast.

As previously emphasised, master recording copyright enables the owner to earn royalties whenever the original recording is streamed, downloaded or reproduced. This right usually belongs to either the artists themselves or their record labels.

6. Income Generation Channels from Master Recordings

Master recordings generate income through various revenue streams, making them a key financial asset in the music



industry. The main sources of revenue include:

- a. **Streaming Royalties** – Every time a song is streamed on platforms like Spotify, Apple Music, or YouTube Music, the owner of the master recording earns royalties from digital service providers.⁶
- b. **Sales (Physical and Digital Downloads)** – Streaming dominates modern music consumption, but revenue from physical album sales (CDs, vinyl, cassettes) and digital downloads still contribute to overall earnings. The master rights holder receives payment whenever a copy is purchased.⁷
- c. **Sync Licensing Fees** – The master recording owner can license the song for use in films, TV shows, commercials and so on. This process, known as synchronisation licensing (sync licensing), could generate one-time fees or ongoing royalties.⁸
- d. **Public Performance Royalties** – When a recorded song is played in public or on the radio, the master recording owner may be entitled to public performance royalties. These royalties are typically collected by performance rights organisations (PROs) and distributed to rights holders.⁹

- e. **Master Use Licensing** – If another artist or producer wants to sample a portion of the master recording in their new song, they must obtain permission from the master owner and pay a licensing fee.¹⁰

7. Disputes and Challenges in Master Ownership

Conflicts over the ownership of master recordings are, unfortunately, all too common within the music industry. Artists often find themselves entangled in legal disputes when they attempt to regain control over their work, especially when disagreements or contract breaches arise with record labels or other stakeholders involved in the production and distribution of the work.

These disputes underscore the need for artists to prioritise clear communication, obtain appropriate legal advice and have well-defined contracts, from the beginning of the professional relationship with stakeholders. By being proactive and fully informed about the terms of their agreements, artists can better safeguard their interests and avoid potential conflicts down the line.

As previously highlighted, artists must engage lawyers to represent and adequately defend their interests in the music industry. A well-drafted contract

6 Vocal Media, 'The Relationship Between Artists and Record Labels in the Music Industry' (Vocal Media, no date) <https://vocal.media/art/the-relationship-between-artists-and-record-labels-in-the-music-industry> accessed 2 March 2025.

7 eMusic Entertainment, 'Master Recordings: Where Is the Money? (Part III)' (eMusic Entertainment, no date) <https://www.emusicentertainment.net/blog/master-recordings-where-is-the-money-part-iii> accessed 2 March 2025

8 ICMP, 'Understanding Music Copyrights and Licenses' (ICMP, no date) <https://www.icmp.ac.uk/blog/understanding-music-copyrights-and-licenses> accessed 1 March 2025.

9 n11

10 Ibid



defines the rights and responsibilities of parties and averts disputes regarding master ownership.

8. Industry Practice and Examples

Music ownership is complex, and this complexity might be best illustrated through examples of what is obtainable in the real world.

a. Record Labels Ownership Agreement

For artists signed to major labels, ownership agreements tend to be structured in favour of the label. The usual arrangement in traditional record label contracts is for labels to finance the production, marketing, and distribution of the musical work in exchange for ownership of the masters. Artists receive royalties but may not fully control how their music is used or monetised.¹¹

b. Regaining Masters

Many artists have found a means to regain sole control over their master recordings. An example is Taylor Swift, who had originally transferred the masters of her first six albums to her former record label. Considering

that she retained the copyright over the musical composition, she re-recorded her entire musical work. In doing so, this created a new master recording, and she regained full control of her music.

c. Artist Independent releases

Given the rise of digital music streaming platforms, many artists self-release their musical works rather than engage a record label. This implies that the artists own the masters and have the exclusive right and control over their reproduction and distribution. Chance the Rapper is an example of an artist who has maintained complete control over his master recordings by independently releasing his musical works.

9. Conclusion

As the music industry adapts to technological advancements, changes in industry practices, and increased artist empowerment, the challenges and debates surrounding master recording ownership continue. Many artists are choosing to forge independent paths, embracing innovative business models and self-releasing their music to maintain control over their creative works.¹²

11 Amuse, 'Owning Your Masters' (Amuse, no date) <https://www.amuse.io/en/categories/industry/owning-your-masters/> accessed 3 March 2025.

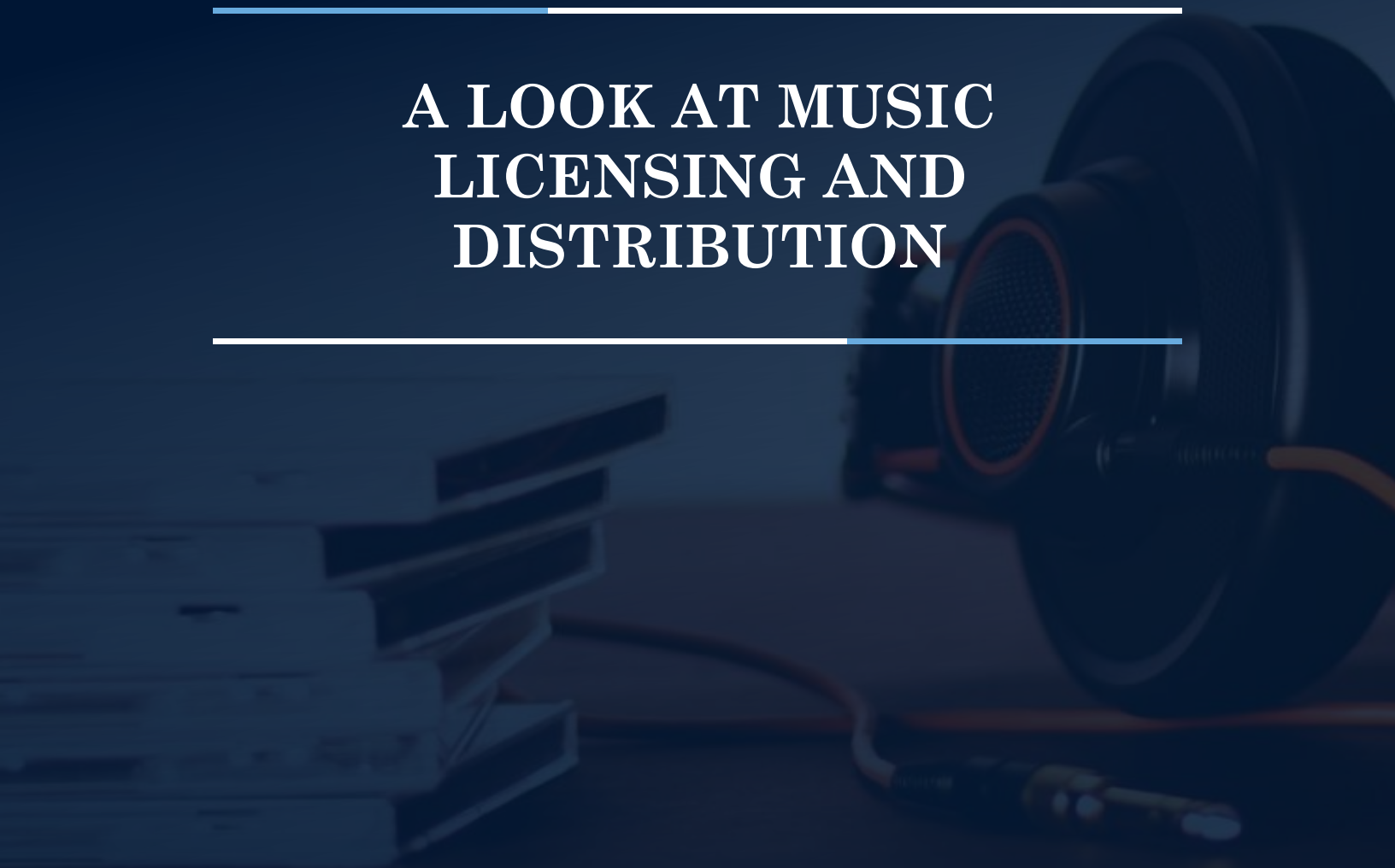
12 Mogul, "Who owns the master recording of a song" <https://www.usemogul.com/post/who-owns-the-master-recording-of-a-song> accessed March 3, 2025.



It is essential that artists, record labels and all relevant stakeholders have a thorough understanding of the music industry, intellectual property laws and master recording ownership. Artists must proactively seek out the appropriate platforms and resources to safeguard their

creative works, as doing so not only fosters creativity but also ensures the preservation of their artistic legacy. Similarly, record labels must ensure they have the requisite knowledge to secure their investments and ensure a mutually beneficial relationship between them and the artists.

A LOOK AT MUSIC LICENSING AND DISTRIBUTION





1. Introduction

The journey of a song does not end with its creation, rather it begins there. With the creation of music, often comes the inherent need of the artist to make profit. Behind every beat and lyrics lies a complex system of rights, permissions, and pathways that determine how music travels from the studio to the world. This has brought about the concept of music licensing and distribution. These twin concepts have come a long way in determining how music can be legally used, shared, and monetised across various platforms ranging from radio and streaming services, to film, television and live performances. With the evolution of technology, it has become pivotal for the industry stakeholders to understand the operations and activities of the industry and, more importantly, the legal framework guiding these activities. Accordingly, this paper discusses music licensing and distribution and their role in the music industry.

2. Definition and Purpose of Music Licensing

Various rights exist in musical work, ranging from the right to reproduce, publish, and perform the work, as well as to distribute it to the public for commercial purposes, among others.

Music licensing is the process of obtaining permission to use a copyrighted work in a desired context, whether in an audiovisual or an audio-only format. The act of obtaining this permission is known as clearing the rights. The concept of music licensing applies to activities involving filmmakers, TV producers, advertisers, music publishers and songwriters. Essentially, when an artist grants permission to others to use their music in media and performances (including films, TV shows, commercials, video games, streaming, live performances), music licensing becomes relevant.

The importance of music licensing can be viewed from two perspectives: its impact on licensees, and its implications for musicians and artists.

Licensees like Filmmakers and video creators who fail to obtain proper licenses before using a copyrighted work will be considered to have violated the copyright holder's exclusive right, which may result in legal action by the copyright owner.

Where the violation is established, they may be required to pay financial damages to the copyright owner. A court may also issue an injunction restraining the use of the infringing music immediately till the infringement is resolved. The filmmaker may also face criminal penalties, such as fines and imprisonment, where willful copyright infringement is established, particularly when it is for commercial gain.

Music licensing is crucial for artists, as licensed music used in films, advertisements, and other media can significantly enhance an artist's visibility, paving the way for brand partnerships, sponsorships, networking, and collaborations. It also provides artists with additional income and revenue streams beyond traditional album sales and live performances. The purpose of music licensing is multi-dimensional. On one hand, Licensees are legally protected and can use the music for their work as they deem fit, without running the risk of infringement. On the other hand, musicians and artists holding copyright are properly remunerated and recognised for their hard work.¹

3. Types of Music Licensing

Generally, music licensing consists of two main components: the musical composition and sound recordings. The musical composition includes the music, i.e. the melodic, harmonic and percussive components, along with the title and lyrics regardless of the number of different versions or recordings that exist. These rights are sometimes owned by the original songwriter or may have been assigned to a music publishing company in return for a split of revenue generated by their effort in marketing, promoting and commercially exploiting the musical composition.

Sound recording refers to the embodiment of a particular artist's musical composition performance as fixed in a specific medium (e.g., various digital formats, CD, analogue tape). It consists of the sounds the listener hears, including the singer's voice, bass, drums, guitars, etc. The license to be obtained by the licensee depends on the right being exercised.² The following are the types of music licensing available today:

- a. **Synchronisation Rights and Licenses:** This grants the right to synchronise the musical composition, or a portion of it, in recordings of the audiovisual works. It generally confers the following specific rights on the licensee:

1 Music bed "Why do Music licenses matter?" accessible at <https://www.musicbed.com/articles/resources/why-do-music-licenses-matter/>

2 Bas Zuidwijk "Why Licensing Music is important: A personal take" <https://www.collabhouse.com/post/why-licensing-music-is-important> (accessed on March 26, 2025)



- i. Right to reproduce a portion of the musical composition for a specified number of uses.
- ii. Right to publicly perform the musical composition as used in the program in specific forms of media.
- iii. Permission to use the composition in the advertising or promotion of the audio-visual work.

The fees are generally one-time, flat fees negotiated directly between the contractual parties. Often, only the necessary rights are licensed to avoid paying more than necessary.

- b. **Mechanical Rights and Licenses:** This allows the manufacture, reproduction and distribution of the musical composition in audio-only formats referred to as “phonorecords”. Typically, it is acquired to legally reproduce and distribute a copyrighted musical work commercially.
- c. **Master Use Licenses:** These are acquired by individuals seeking a specific master sound recording that represents a particular artist's performance of a musical composition. This license grants the right to fix the master in designated media and to produce copies of that recording in exchange for a flat fee or per-unit royalty payment to the copyright owner.
- d. **Performance license:** Generally, copyright owners have an exclusive right to perform the musical composition publicly. Therefore, this license is used when a musical composition (or, in limited contexts, a sound recording) is played in a public place or whenever the musical composition is broadcast to the public. This license is typically granted and monitored by performance rights organisations that represent songwriters and publishers.
- e. **Print Rights:** These rights pertain to the printing and distributing sheet music. They are typically acquired by sheet music publishers or other organisations that distribute written music.

4. Definition and Role of Music Distribution

Music distribution is as old as the music industry itself.³ With billions of active listeners accessing and consuming music in various ways, music distribution has become the primary means of delivering music to listeners. It is an essential part of every modern artist's music release strategy.⁴

3 By Soundcharts Team: The mechanics of Music Distribution: How it works, types of music distribution companies + 35 Top Distributors (2024)

4 Unsigned Advice: “What is Music Distribution? Everything Artists need to know” (2024) <https://dittomusic.com/en/blog/what-is-music-distribution-everything-artists-need-to-know> (accessed on April 3, 2025)

Music distribution is the sharing or releasing of music to a collection of physical and online platforms and marketplaces. It generally involves making music available to the public through platforms like streaming services and digital stores, focusing on reaching listeners and selling music.

5. Role of Music Distributors

Music distributors play a pivotal role in getting the music to the public in exchange for revenue. They act as a link between artists and record labels/digital distribution platforms. They are primarily concerned with the task of getting the music online, ensuring it is available on various platforms and collecting royalties from sales and streams.⁵ Accordingly, below are the roles of music distributors:

- i. **Release of the music to online platforms:** Music distributors play a key role in getting music released into various online music platforms, retailers, and digital streaming platforms globally. These services function as a middleman between the artist and the listener and are very handy for independent artists, as they offer many resources for selling music and building a fan base.⁶
- ii. **Pay out music royalties:** Every time an artist generates streams or downloads from their music, they earn money in the form of royalties. Music distributors step in to fill the gap by ensuring that royalties from music streaming platforms reach the copyright holders. Additionally, distributors also streamline the royalty payout process for both artists and music platforms, especially for artists releasing their music on multiple platforms.
- iii. **Support and promotion of music production:** In the digital age of music, distribution is a crucial part of every artist's music promotion strategy. Through various activities, including promotional campaigns, playlisting, music sync pitching, pre-save links, chart registration, music industry advice and guidance, distribution helps promote digital music.
- iv. Music distributors also provide International Standard Recording Codes and Universal Product Codes for individual songs and releases, to track digital sales and overall keep music releases organised so that it is easier for artists to switch distribution services while still keeping original ISRC and UPC codes.⁷

5 Christopher Carvalho "Music Distribution Explained" Pirate.com <https://pirate.com/en/blog/music-distribution-guide/#:~:text=This%20includes%20getting%20your%20music,where%20people%20can%20buy%20them>. (accessed April 4, 2025)

6 Jussi Karkinen: "Distribution and consumption of music in a digital environment" Centria University of applied Sciences (2021)

7 *Ibid*



6. Traditional v Digital Distribution Channels

The evolution of digital music has transformed the media landscape, changing how people consume content and how companies monetise it. This evolution affects everything from content creation to marketing strategies, compelling media companies to adjust their distribution approaches to remain competitive.

Prior to now, the traditional distribution of music was the order of the day, characterised by physical copies and radio play serving as the primary ways artists reached their audience. The introduction of online music distribution has revolutionised how music is shared and consumed. This shift has empowered independent artists, affording them opportunities that were previously available only to those signed with major labels.

7. Traditional Music Distribution

This involves physical media, such as CDs, vinyl records, and cassettes. Here, record labels handled the production, distribution, and marketing processes while distributors supplied physical copies to record stores, radio stations, and other outlets. Key features of this era include physical sales, radio airplay, higher costs, and limited accessibility. Although this was effective for decades, its limitations became apparent as digital technology advanced.

8 Online Music Distribution

Online music distribution refers to the digital distribution of music. It involves delivering music to platforms like Spotify, Apple Music, YouTube, Amazon Music, etc., where listeners can stream or download it. Artists operate by uploading their tracks to distribution services, which handle licensing, metadata, and platform placements. Key features include global accessibility, cost efficiency, and the democratisation of music. The benefits of online music distribution cannot be overstated, ranging from the possibility of a broader audience reach to instant feedback for artists on the quality of their music, allowing for refinement, encouragement of data-driven decisions, and optimisation of artists' efforts, among others.



Despite the advantages identified above, it is essential to highlight specific challenges facing online music distribution, including market saturation due to the release of numerous tracks, which makes it difficult for artists to stand out; low royalties; and metadata errors that may lead to lost royalties or misattribution. These challenges can be overcome by focusing on quality production, strategic marketing, and careful metadata management.

Although the industry is currently dominated by online music distribution, it is noteworthy that this has not totally eradicated traditional distribution, which remains relevant to some extent. For example, vinyl records and CDs continue to appeal to collectors and audiophiles, physical copies sold at concerts remain a valuable revenue stream, and specific genres, such as classical or jazz, still thrive in traditional distribution channels. Hence, traditional methods can complement online distribution for established artists or those targeting specific audiences.

The choice between traditional and online music distribution boils down to accessibility, cost and audience reach. While traditional methods still hold value for niche markets and physical collectors, online distribution has become the dominant force in the music industry. As the music landscape continues to evolve, embracing online music distribution is not just an option but a necessity. The digital route presents unparalleled opportunities for artists seeking to grow their careers and reach a global audience.

9 Challenges in Music Licensing and Distribution

Music licensing and distribution are intertwined yet distinct processes in the music industry. Generally, music distribution is about making music available on platforms like streaming services & stores, focuses on reaching listeners & selling music. Licensing, however, involves granting rights to use music in media like films, TV, advertisements, or video games.⁸ There are several challenges that stakeholders in the music industry encounter when it comes to the licensing and distribution of music.

A major problem is that the streaming services that have revolutionized how people consume music also tend to pose significant challenges for music licensing and royalties. Streaming services need to obtain licenses from various

8 Salif “What is the Difference Between Music Distribution and Licensing? Vampr (December 22, 2023) <https://www.vampr.me/faq/what-is-the-difference-between-music-distribution-and-licensing/#:~:text=Music%20distribution%20is%20about%20making,%2C%20advertisements%2C%20or%20video%20games> (accessed April 7, 2025).

rights holders, such as record labels, publishers, performing rights organisations, and mechanical rights agencies, to stream their catalogs. However, the process of identifying and paying these rights holders is often complex, costly, and inaccurate, leading to disputes, delays, and lawsuits. Moreover, the royalty rates that streaming services pay to rights holders have been argued to be low, inconsistent, and opaque, making it hard for artists and songwriters to earn a fair share of the streaming revenue.⁹

The music industry is becoming more globalized, as artists and songwriters can reach new audiences and markets through digital platforms and social media. However, this also means that music licensing and royalties need to adapt to different legal frameworks, cultural norms, and business practices in different countries and regions. For example, some countries have stricter copyright laws and higher royalty rates than others, while some have more fragmented or less developed music licensing systems and infrastructure. Furthermore, some countries have different types of royalties, such as neighboring rights, that are not recognized or collected in other markets. Therefore, music licensing and royalties need to be more harmonized, transparent, and efficient across borders, to ensure that rights holders are properly compensated and protected. In Nigeria, royalty collection is governed by the Copyright Act, 2022 which touches on music royalty collection but is not very detailed. This differs in comparison to countries like the United States of America, in which royalties are governed by the very detailed Music Modernisation Act.

10. Strategies for Successful Music Licensing and Distribution

To stand a chance of maintaining a successful music licensing and distribution pipeline, certain affairs need to be in order to maximise benefits. It is crucial for the artist and their team, or the record label, to be properly educated about this area of the music value chain. This knowledge will significantly aid in developing successful strategies for the party and could enhance the success of an artist or label.

One should ensure that the affairs of the entity are in order. This involves registering the artist's music catalogue with the relevant copyright organisations

9 Zoe Stern "The Inequalities of Digital Music Streaming" <https://www.theregreview.org/2024/05/30/stern-the-inequalities-of-digital-music-streaming>

to gain stronger legal standing. This will provide the general public with necessary information regarding the copyright holders in relation to the music catalogue and may potentially eliminate disputes concerning the ownership of this copyright.

It is important for the parties to familiarise themselves with the different types of musical rights, i.e. master recording rights and publishing rights and how they relate to the licensing and distribution of music. It is also important to be familiar with the types of music licenses, i.e. synchronization licenses which are used for film, television and related media, performance licenses which are used for public performance and mechanical licenses which are used for reproduction. For instance, an understanding of the concept of a performance license will probably lead an artist or songwriter to register its songs with a Performance Rights Organisation (PRO) in order to receive royalties from the public performance of their music.

11 The Future of Music Licensing and Distribution

In a similar manner to other areas of the music industry, music licensing and distribution has witnessed a period of rapid evolution over the last few decades. Due to technological advances, the models in which music is licensed and distributed have taken different formats. It is therefore crucial for stakeholders in the music industry to stay updated on the latest trends and developments in music distribution and licensing.

Early on in 20th century, the distribution of music relied heavily on physical formats like vinyl records, cassette tapes, and CDs. At the dawn of the 20th century in the late 1990s and into the early 2000s, we saw the rise of digital music, with the advent of platforms like Napster challenging the dominance of physical formats.

Today's distribution deal in music is centered around digital platforms. Distributors deliver music to streaming platforms like Spotify, Apple Music, Tidal, YouTube Music, etc ensuring global availability for music. It has introduced data analytics and insights which help artists understand their audience and optimize their strategies. This has also streamlined revenue collection as distributors handle royalties from streams, downloads, and sync licensing, simplifying the process for artists.



The future of this will likely be technologically driven and incorporate a lot more technological aspects such as blockchain for royalty payments, artificial intelligence and its deployment by both the music licensee, distributor and the artist. There is the possibility of distributing music through social media platforms in the future as music licensing has already made advancements with regard to this.

12. Conclusion

Music licensing and distribution serve as foundational pillars in the contemporary music industry, ensuring that intellectual property rights are upheld while facilitating the lawful dissemination of creative works. As technological advancements continue to reshape how music is accessed and consumed, it is imperative for artists, producers, and industry stakeholders to possess a comprehensive understanding of these mechanisms. A well-informed approach to licensing and distribution not only safeguards artistic integrity but also enables sustainable growth and broader reach within the global music marketplace.



MUSIC SAMPLING AND COPYRIGHT LAW IN NIGERIA: A LEGAL ANALYSIS

1. Introduction

In the commemoration of this year's World IP Day, themed “IP and Music: Feel the beat of IP”, it is imperative to discuss an important subject at the intersection of music and copyright – music sampling. An average adult human must have heard a song, with a nostalgic feeling back to an earlier song/sound. That feeling is mostly because of sampling.

Music sampling is practice of reusing parts of an existing musical work in a new composition, which has become a defining feature of contemporary music production. Challis defined it as “incorporating pre-existing recordings into a new recording, whether part or all of a tune (a melody) and/or the lyrics.”¹ There is also a similar concept known as interpolation which, on the other hand, is the note-for-note recreation of an existing musical work,² without taking any part of the sound recording. However, both concepts raise important legal questions surrounding originality, copyright ownership, consent, and liability, among others.

In Nigeria's afrobeats scene in particular, several popular tracks illustrate this trend. Wizkid's *Jaye Jaye* and Burna Boy's *Ye* sampled Fela Kuti's iconic tracks (“Lady” and Sorrow, Tears and Blood”, respectively), while newer acts like Shalipopi (in his *Obapluto*) also incorporate elements from older works like Monday Edo's *Ogbaisi*. Additionally, viral statements and slangs such as “Epp me, Epp me...” in Asake's *Peace Be Unto You*, are being incorporated into songs, raising similar concerns about ownership and credit. Yet, there is a further complication which Generative AI (Gen AI) has added to the mix in terms of training data and outputs.

2. Legal Considerations in Music Sampling

Music sampling legally impacts two core components: the sound recording and the musical composition or lyrics.³ Thus sampling a recorded performance requires a licence or clearance from the rights holders, that is, the artist or the record label in the case of sound recording; or the publishing company or the songwriter in the musical composition or lyrics. Clearance agreements often

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- 1 Ben Challis, “The Song Remains the Same: A Review of the Legalities of Music Sampling”, <https://www.wipo.int/en/web/wipo-magazine/articles/the-song-remains-the-same-a-review-of-the-legalities-of-music-sampling-37091> April 16, 2025.
 - 2 Franklin Okoro, “Legal Dynamics of Music Sampling and Interpolation in the Nigerian Music Market”, available at <https://www.mondaq.com/nigeria/copyright/1410018/legal-dynamics-of-music-sampling-and-interpolation-in-the-nigerian-music-market> accessed April 17, 2025.
 - 3 Julie Ewald and Paul Oliver, UK Copyright and the Limits of Music Sampling (January 13, 2017), available at SSRN: <https://ssrn.com/abstract=2898820> or <http://dx.doi.org/10.2139/ssrn.2898820>, accessed April 20, 2025.

include the duration of the sample, the part being sampled, its intended use, distribution method, and payment structure, whether a flat fee, royalties, or both.⁴

Failure to obtain proper clearance can lead to legal consequences under the Nigerian Copyright Act 2022. These range from civil liabilities⁵ like injunctions, damages, and forfeiture, to criminal penalties⁶ including fines and imprisonment. Despite this, exceptions exist. The Act permits fair dealing under certain conditions, including parody, criticism, or non-commercial research.⁷ The law also recognizes previous adaptations, meaning that a subsequent sampling may be non-infringing if it replicates an earlier, licensed sample in a substantially similar way.⁸

Globally, the U.S. offers a more developed jurisprudence on the matter. In *Grand Upright Music Ltd v. Warner Brothers Records*, the court condemned unauthorized sampling as copyright infringement. Meanwhile, in *Chapman v. Maraj*, the Court held that experimentation (sampling) for licensing purposes could qualify as fair use. Nigeria, on the other hand, has witnessed private settlements like in the 2019 action filed by Danny Young against Tiwa Savage (claiming an infringement of his “Oju Tiwon”) and the more recent N200 million claim against Shalipopi for the sampling of Monday Edo's *Ogbaisi* in his popular track *Obapluto*.

New challenges in sampling may arise with the growth of generative AI, which some models (such as Anthropic)⁹ produce musical works by training on existing copyrighted works. This has sparked global lawsuits by creators such as authors,¹⁰ artists¹¹ and news publishers¹² who are claiming that both training and the outputs¹³ of these Models are inherently infringing, although the Generative AI companies, expectedly, resist such claims mostly on the basis of fair use. While Nigeria has not witnessed AI-specific sampling case, it remains a looming concern.

4 Music Sampling 101 <<https://www.tunecore.com/guides/music-sampling-and-beat-licensing-101>> April 28, 2025.

5 See Sections 37, 38 and 40 of the Copyright Act 2022.

6 See generally Section 44 of the Copyright Act, 2022.

7 See Section 20 of the Copyright Act 2022.

8 See Section 27 of the Copyright Act 2022.

9 See Universal Music Group pending claim against Anthropic: Blake Brittain, “Anthropic wins early round in music publishers' AI copyright case”, Reuters, <<https://www.reuters.com/legal/anthropic-wins-early-round-music-publishers-ai-copyright-case-2025-03-26/>> accessed April 20, 2025.

10 Tremblay v. OpenAI, Inc., 3:23-cv-03223, (N.D. Cal.) Authors Guild v. OpenAI

11 Andersen v Stability AI Ltd 3:23-cv-00201, (N.D. Cal.)

12 The New York Times et al. v. Microsoft Corp. et al. Case 1:23-cv-11195

13 Arguing that the outputs are infringing derivative works based on the works the models are trained on.

Furthermore, the use of viral videos, skits, slangs, and voice notes in music poses another legal question. Nigerian copyright law protects audiovisual works and assigns authorship to those who arranged the recording (“the authors”),¹⁴ not necessarily those appearing in the content. This means that viral contributors in those popular content may not be entitled to compensation as authors, except there is an agreement to the contrary. A good example is the recent “Sope Purr” song by Nigerian artiste Shoday, which incorporates the viral statement by a lady in a video saying “Sope Purr”. Before this, there was the exclamation “Epp me, Epp me...” by a police officer in a viral video which was incorporated in Asake’s “Peace be unto you”, which gained attention and raised calls for compensation. Although these viral characters may not be entitled to compensation, they may have good claims in privacy and data protection.

The legal outcome is the same for voice note (which would qualify as sound recording under the Copyright Act). The copyright in same could only be credited to the person making the arrangement for the sound recording.¹⁵

Despite the prevalence of sampling, several obstacles hinder a lawful sampling culture in Nigeria. These include widespread ignorance of copyright laws, especially among emerging artists, complex clearance procedures involving multiple rights holders, and high costs that deter many from seeking licences. The lack of specific guidelines in the Nigerian Copyright Act further creates uncertainty.¹⁶

3. Conclusion

In conclusion, while music sampling fosters creativity and cultural continuity, it must be balanced with the rights of original creators. As Nigeria’s music industry grows and technology evolves, there is an urgent need for clear, practical legal framework that support both innovation and fair compensation. Encouraging legal awareness, simplifying clearance processes, and updating laws to address emerging trends like AI and viral media are essential steps toward a more sustainable and vibrant music ecosystem.

¹⁴ See Section 108 of the Copyright Act.

¹⁵ Section 108 of the Copyright Act 2022.

¹⁶ Tiwalola Osazuwa et al, “Harmonizing creativity and copyright – A legal exploration of music sampling in Nigeria”, BusinessDay, <<https://businessday.ng/news/legal-business/article/harmonizing-creativity-and-copyright-a-legal-exploration-of-music-sampling-in-nigeria/>> accessed April 20, 2025.z



Meet the
CONTRIBUTORS



Eunice Alasa
Intellectual Property Unit



Qudus Adeoye
Intellectual Property Unit



Chima Orji
Intellectual Property Unit



Favour Adeniyi
Intellectual Property Unit



Oluwapelumi Ikujenyo
Intellectual Property Unit



Chimezie Ugwuoke
Intellectual Property Unit

CONTACT

LAGOS

Kenna Place
8, Ogunyemi Road, Palace Way, Oniru
PO Box 73002, Victoria Island, Lagos

ABUJA

1st Floor, Novare Central
Plot 502 Dalaba Street,
Wuse Zone 5, FCT 900285, Abuja

ENUGU

No 3 Emmanuel Ngwu
Street, Thinkers Corner,
Enugu, 400001

+234 811 395 1052, +234 811 395 1053
counsel@kennapartners.com

    @kennapartners

www.kennapartners.com

KENNA

