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DISSECTING LEGAL PROPRIETARY RIGHTS AND CREATIVE CONTROL IN LITERARY AND NARRATIVE ADAPTATIONS: A NIGERIAN THEATRE AND FILM INDUSTRY PERSPECTIVE

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Abstract

This paper critically examines the legal and proprietary rights implicated in the adaptation of literary works within the Nigerian theatre and film industry. While the creative adaptation of folklore, historical narratives, and modern literature has contributed to the rise of Nollywood and stage performance arts in Nigeria, it has also exposed persistent legal and ethical challenges relating to intellectual property (IP). The study interrogates the extent to which Nigeria's copyright regime, principally under the Copyright Act and relevant judicial interpretations, protects the original author's proprietary and moral rights in adapted works. It analyses prevalent issues such as unauthorized use, weak contractual frameworks, the infringement of image and personality rights, and the limited enforcement mechanisms available to aggrieved rights holders. The paper further addresses the ethical dilemmas surrounding consent, credit attribution, and the balance between cultural preservation and commercial exploitation. Drawing on statutory analysis, doctrinal review, and selected case studies, the article proposes reform-oriented recommendations to enhance copyright enforcement, encourage equitable contractual

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practices, and establish a more transparent legal infrastructure that safeguards both creators and adapters. These insights are intended to advance Nigeria's creative economy within a rights-respecting legal framework.

Keywords: Copyright law, Creative control, Intellectual property, Literary adaptation, Nollywood

1.1 Introduction

The adaptation of literary works into theatrical performances and motion pictures has long served as a bridge between the written word and visual storytelling. However, this process, while creatively enriching, is laden with complex legal considerations that must be understood and navigated by stakeholders in the creative industries. Central to this process is the careful management of legal proprietary rights and the assertion of creative control. In the Nigerian context, where the film industry (Nollywood) and theatrical performances draw heavily from folklore, literature, and oral narratives, the boundaries between inspiration, adaptation, and infringement are often blurred.¹

The foundational step in literary or narrative adaptation is securing the rights to the original work. This is often done through an *option agreement*, which grants a producer or filmmaker the exclusive right to develop a screenplay or script from a pre-existing work for a specified period, usually with a right to renew or purchase.² Such agreements represent a confluence of contract and copyright law, where the author (or publisher, where rights have been assigned) licenses or assigns the economic rights embedded in the work, including the rights to reproduce, adapt, publish, or communicate to the public, as codified in the *Copyright Act 2022* of Nigeria.³

¹ Chuks Okoye, 'Literary Works and Adaptation in Nollywood: Between Originality and Infringement' (2021) 7(2) *Nigerian Journal of Intellectual Property* 85.

² Olasupo Shasore, *Entertainment Law in Nigeria* (2nd edn, Legal Blitz 2019) 134–137.

³ Copyright Act 2022 (Nigeria), ss 6–10.

A legal distinction exists between *assignment* and *licensing* of rights. An assignment permanently transfers ownership of one or more copyright rights to another party, while a licence, particularly a non-exclusive one, merely allows another party to use the work under certain conditions, without relinquishing ownership.⁴ In film and theatre, producers must ensure that all necessary rights are secured, especially since filmmaking involves a patchwork of rights including those related to the script, musical score, actor performances, cinematography, editing, and distribution. Without clear rights acquisition, any subsequent commercial exploitation of the adaptation may result in litigation for infringement, even if the work is only partially reproduced or reimagined.⁵

The legal landscape of literary adaptations in Nigeria is further complicated by the informal nature of rights transactions and the limited awareness among authors and performing artists regarding their legal entitlements. Many writers, especially in the creative industries, enter into loosely worded agreements, sometimes verbal, that lack the precision needed to delineate scope, exclusivity, territory, duration, and royalty mechanisms. Consequently, disputes often arise when works are adapted for stage or screen without formal permissions, or when authors feel misrepresented or excluded from the adaptation process.⁶

In addition to proprietary rights, the issue of *moral rights*, including the right to be identified as the author and the right to object to derogatory treatment of a work is increasingly relevant, especially where the adaptation alters the theme, message, or characterisation of the original literary material.⁷ Section 14 of the

⁴ *ibid*, s 10(3); see also World Intellectual Property Organisation (WIPO), *Copyright Licensing Guide* (WIPO 2020) 22.

⁵ *Yusuf v Afolayan* [2018] NWLR (Pt 1630) 210; see also Ayo Akanmu, 'Copyright Clearance in Nollywood: Practical Concerns' (2022) *Entertainment Law Review Nigeria* 14(3) 44.

⁶ Omolola Onabajo, 'Narrative Ownership in Nigerian Theatre: Legal Challenges and Cultural Norms' (2020) 6(1) *Journal of African Media and Arts Law* 22.

⁷ Copyright Act 2022, s 14; see also *Visual Artists Rights Act 1990* (US equivalent), 17 USC §106A.

Nigerian Copyright Act 2022 preserves the moral rights of authors even after the economic rights have been assigned or licensed, thus limiting the totality of creative control that an adapter may exert. However, enforcement mechanisms for such rights are still developing and not widely utilised within the Nigerian jurisdiction.

Moreover, with the commercialisation of content and the rise of digital platforms, questions around *derivative rights*, *digital dissemination*, and *cross-border enforcement* have become pressing. Nigerian films adapted from novels are now streamed globally, thereby invoking international treaties such as the Berne Convention and TRIPS Agreement, both of which Nigeria is a party to. These instruments establish minimum standards for copyright protection and enforceability beyond national boundaries.⁸

This article interrogates these interlocking issues by dissecting the legal proprietary rights involved in adaptation agreements, the mechanisms for securing and protecting such rights, and the implications of creative control as exercised by producers, directors, and screenwriters. It will also explore judicial responses to disputes arising from unauthorised adaptations, evaluate the tension between commercial exploitation and artistic integrity, and propose practical solutions for improving legal literacy and contractual discipline among Nigerian creatives.

Ultimately, achieving a balance between legal certainty and creative freedom in the Nigerian theatre and film sectors depends on a robust understanding of copyright law, enforceable contractual arrangements, respect for authorship, and sustained education on intellectual property rights. This paper thus contributes to the discourse by dissecting the interplay between law, literature, performance, and

⁸ Berne Convention for the Protection of Literary and Artistic Works (1886), arts 6bis, 8 and 12; Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (1995), arts 9–14.

production, with an emphasis on protecting original expression while encouraging transformative creativity within a lawful framework.

1.2 Rationale Behind the Focus on Narrative Film Adaptation in Nigeria

Nigeria's cultural, ethnic, and artistic richness has long underpinned its creative industries, particularly literature and film. These expressions are deeply rooted in the storytelling traditions of its diverse ethnic nationalities, where oral literature formed the bedrock of historical preservation, moral instruction, and social commentary. This cultural heritage continues to manifest in contemporary Nigerian literature and film, creating a symbiotic relationship between the two media forms.

Prominent Nigerian authors such as Chinua Achebe and Chimamanda Ngozi Adichie exemplify this tradition by drawing inspiration from indigenous narratives. Their works are infused with structures and themes reminiscent of the oral tales of the Igbo, Yoruba, and other ethnic groups, reflecting the intricacies of Nigerian society, its precolonial foundations, colonial disruptions, and postcolonial evolution. These literary expressions serve as fertile grounds for adaptation into stage and screen, not only preserving but revitalising Nigerian storytelling through new creative lenses.⁹

The country's tumultuous political history, from colonial rule to post-independence political instability marked by coups, civil war, and successive military regimes, offers a complex backdrop for narratives that are ripe for adaptation. These historical realities have been critically captured in Nigerian

⁹ Chinua Achebe, *Things Fall Apart* (Heinemann 1958); Chimamanda Ngozi Adichie, *Purple Hibiscus* (Algonquin Books 2003).

literature and dramatized in various cinematic adaptations, thus contributing to national memory and identity preservation through the arts.¹⁰

Early Nigerian playwrights and novelists, including Wole Soyinka, Ola Rotimi, and Akinwunmi Isola, envisioned adaptations of literary works as vehicles for the preservation of Nigeria's cultural heritage, languages, and oral traditions. Their advocacy for narrative preservation extended beyond the written word, encouraging dramatization and visual interpretations as tools for intergenerational transmission.¹¹

Adaptations also provide rich material for cinematic storytelling. By utilizing existing narratives with well-developed plots and characters, filmmakers enhance artistic depth and narrative complexity. Films such as *Half of a Yellow Sun*, *October 1*, and *'76* illustrate how adapted stories can balance historical authenticity, cultural representation, and commercial viability.¹² These adaptations have not only expanded the canon of Nigerian film but also contributed to international recognition of Nollywood as a dynamic and culturally grounded industry.

The 2013 Film Adaptation Seminar, organized by Augusta Okon, was a significant turning point in promoting the adaptation agenda. During the seminar, legal experts such as Folarin Dalmeida Esq. emphasized the need for a stronger legal framework to protect both authors and filmmakers in adaptation processes. Dalmeida argued that expanding adaptation-based productions could propel Nollywood into a more structured and legally sound industry akin to Hollywood,

¹⁰ Biodun Jeyifo, 'Literature and the Politics of Culture in Post-Colonial Africa' (1988) 14 *Africa Today* 5.

¹¹ Aderemi Raji-Oyelade, 'The Birth and Growth of Nigerian Literature' in Toyin Falola (ed), *Nigerian Literature: Yesterday and Today* (University Press PLC 2002) 41–55.

¹² See: Biyi Bandele, *Half of a Yellow Sun* (2013); Kunle Afolayan, *October 1* (2014); Izu Ojukwu, *'76* (2016).

where approximately 70% of films are based on pre-existing literary works.¹³ This strategy could yield dual benefits, enhancing revenue for authors and publishers while promoting Nigerian literature through visual storytelling.

Additionally, adaptations promote linguistic and cultural diversity. Notably, Tunde Kelani's *Oleku*, an adaptation of Akinwunmi Isola's novel, received critical acclaim for its use of Yoruba language and portrayal of Yoruba customs. Such efforts affirm the potential of adaptation as a platform for cultural pride and linguistic revitalization.¹⁴

Beyond entertainment, adaptations serve educational and diplomatic purposes. They help explain Nigeria's social, political, and cultural experiences to a global audience while fostering local understanding of history and identity. Adapted plays and films thus contribute to cultural diplomacy and soft power projection, enriching Nigeria's global cultural footprint.

1.3 The Nigerian Film Industry

The Nigerian film industry, popularly referred to as Nollywood, has emerged as one of the largest and most prolific film industries in the world, standing alongside the United States' Hollywood and India's Bollywood. The term "Nollywood" was first introduced by New York Times journalist Norimitsu Onishi in 2002, following his observation of the unique and dynamic film production landscape in Nigeria, a development that came nearly a decade after the release of the

¹³ Augusta Okon (ed), *Proceedings of the Film Adaptation Seminar* (Film House Nigeria 2013) 23–26.

¹⁴ Tunde Kelani, *Oleku* (Mainframe Productions 1997); Akinwunmi Isola, *Oleku* (University Press PLC 1992).

seminal film *Living in Bondage* in 1992, widely regarded as the catalyst of the modern Nigerian film renaissance.¹⁵

The 1990s marked a transformative era for Nigerian cinema, propelled by the affordability of digital production technology. This period, often termed the “home video era,” witnessed a proliferation of films produced using low-cost digital cameras and edited with basic software, primarily distributed via VHS tapes.¹⁶ This model, though modest in budget, allowed for mass production and localised storytelling, which deeply resonated with Nigerian audiences. Nollywood films became widely accessible and inexpensive, contributing to their popularity among a diverse socioeconomic audience.¹⁷ By the early 2000s, the industry was reportedly producing over 2,000 films annually, surpassing Hollywood in output and establishing itself as a dominant force in global film production.¹⁸

A significant evolution occurred in the late 2000s, with the emergence of what is now known as the “New Nigerian Cinema.” This movement was characterised by improved technical quality, more sophisticated and suspense-driven narratives, and a growing preference for theatrical releases. A defining work of this era was *The Figurine* in 2009, directed by Kunle Afolayan, which garnered both critical acclaim and commercial success, marking a turning point in the perception and aspirations of the Nigerian film sector.¹⁹ Other notable films followed, including

¹⁵ Norimitsu Onishi, ‘Step Aside, L.A. and Bombay, for Nollywood’ *The New York Times* (Lagos, 16 September 2002) <https://www.nytimes.com/2002/09/16/world/step-aside-l-a-and-bombay-for-nollywood.html> accessed 17 July 2025.

¹⁶ Jonathan Haynes, *Nollywood: The Creation of Nigerian Film Genres* (University of Chicago Press 2016) 4–6.

¹⁷ Ibid.

¹⁸ UNESCO Institute for Statistics, *Emerging Markets and the Digitalisation of Film Production* (2012) <http://uis.unesco.org/sites/default/files/documents/emerging-markets-and-digitalisation-of-film-production-2012-en.pdf> accessed 17 July 2025.

¹⁹ Hyginus Ekwuazi, ‘The New Nollywood: What the “New” Is Not’ (2014) 18(1) *Journal of African Cinemas* 17, 22.

Chineze Anyaene's *Ijé* in 2010 and the adaptation of Chimamanda Ngozi Adichie's novel *Half of a Yellow Sun* in 2013, both of which achieved significant box office success and international recognition.²⁰ *Ijé* became the highest-grossing Nigerian film of its time until it was overtaken by *Half of a Yellow Sun*.²¹

In recent years, Nollywood's global footprint has expanded significantly. Nigerian films are now widely distributed across the African continent and to diaspora communities in Europe, North America, and beyond. Digital platforms such as Netflix, YouTube, and IrokoTV have further facilitated this international reach, offering unprecedented access to Nigerian cinema on a global scale.²² Nollywood productions have increasingly featured at international film festivals such as the Toronto International Film Festival (TIFF) and the Cannes Film Festival, symbolising their growing artistic and commercial prestige.²³ By 2019, Nollywood was valued at an estimated ₦853.9 billion (approximately US\$5.1 billion), contributing around 1.4% to Nigeria's Gross Domestic Product (GDP), and ranking as the third most valuable film industry in the world.²⁴

1.4 Historical Background of Literary and Narrative Fiction Adaptations in Nigeria

The evolution of literary and narrative adaptation in Nigeria's creative industry can be traced to the confluence of indigenous folklore and traditional theatre practices, which predated the emergence of a formal film industry. Long before

²⁰ Uchenna Onuzulike, 'Nollywood: The Influence of the Nigerian Movie Industry on African Culture' (2007) 1(1) *Human Communication* 1.

²¹ Hyginus Ekwuazi, 'The Evolution and Future of Nigerian Cinema' (2014) 2(1) *Journal of African Cinematic Studies* 45, 56.

²² Ikechukwu Obiaya, 'Beyond the Video Boom: A New Stage in the Evolution of Nollywood' (2018) 13(2) *Journal of African Media Studies* 225.

²³ Haynes (n 2) 12.

²⁴ PwC Nigeria, *Entertainment and Media Outlook: 2019–2023* (2019)

<https://www.pwc.com/ng/en/assets/pdf/entertainment-and-media-outlook-2019-2023.pdf> accessed 17 July 2025.

the ascendancy of Nollywood, Nigeria's theatrical heritage laid the foundation for the adaptation of literature into performance art. Nigerian playwrights utilised drama and stage as tools to engage with socio-political and cultural issues, establishing a rich legacy of adaptation.

One of the earliest examples of this phenomenon was *Kongi's Harvest* (1970), a film adaptation of Wole Soyinka's play of the same name. Directed by African-American filmmaker Ossie Davis, the film explored the political tensions of post-independence Nigeria and symbolised the cross-cultural potential of Nigerian literature on the global cinematic stage.²⁵

This era also witnessed the rise of prolific theatre figures such as Hubert Ogunde, often credited as the father of Nigerian theatre. Ogunde's plays, including *Herbert Macaulay*, *Strike and Hunger*, and the influential *Yoruba Ronu*, engaged in biting satire of political corruption and historical injustices, bridging traditional themes with contemporary narratives.²⁶ These creative expressions helped propel the practice of adapting Nigerian literature and folklore for visual storytelling.

The promulgation of the Indigenisation Decree of 1972 by the Nigerian government marked a turning point.²⁷ The decree reserved certain sectors of the economy, including film production and distribution, for Nigerian citizens. It effectively fostered the rise of a domestically controlled cinema industry, leading to what is often referred to as the "Golden Age" of Nigerian cinema in the 1970s and 1980s. This period was marked by an upsurge in the adaptation of literary texts into film and theatre. For instance, Soyinka's *The Lion and the Jewel* and Amos Tutuola's *The Palm-Wine Drinkard* were staged in theatres and adapted for

²⁵ Wole Soyinka, *Kongi's Harvest* (Oxford University Press 1967); see also the 1970 film adaptation directed by Ossie Davis.

²⁶ Biodun Jeyifo, *The Yoruba Popular Travelling Theatre of Nigeria* (University of Lagos Press 1984).

²⁷ Nigerian Enterprises Promotion Decree No. 4 of 1972.

educational media. Similarly, *Bullfrog in the Sun* in 1972, co-directed by Jurgen Pohland and Francis Oladele, was adapted from Chinua Achebe's novels *Things Fall Apart* and *No Longer at Ease*.²⁸

Television series based on D.O. Fagunwa's *Igbo Olodumare* and Achebe's *Things Fall Apart* further extended the tradition of literary adaptation into popular media. However, the transition into the 1990s ushered in the "home video" era of Nollywood, a period marked by rapid, low-budget film production that often-prioritised quantity over narrative depth. Despite this, a few filmmakers remained committed to literary adaptations. Tunde Kelani's *Oleku* in 1997, adapted from Akinwunmi Ishola's novel, and Simisola Opeoluwa's *Stubborn Grasshopper*, a critique of military authoritarianism, stood out.²⁹

From the late 2000s onward, filmmakers began returning to literary sources, in part due to a need for stronger storytelling. Notable examples include Andy Amenechi's *The Concubine* in 2007, based on Elechi Amadi's novel, and Femi Osofisan's *Maami*, which was adapted by Kelani in 2011. Biyi Bandele's *Half of a Yellow Sun* in 2013, adapted from Chimamanda Ngozi Adichie's novel, achieved international success and addressed the traumas of the Nigerian Civil War.³⁰ Kunle Afolayan's *October 1* (2014) blended historical fiction and cultural introspection, drawing from Nigeria's narrative traditions.

In recent years, the global reach of platforms like Netflix has amplified the international visibility of Nigerian literary adaptations. The 2022 Netflix release

²⁸ Chinua Achebe, *Things Fall Apart* (Heinemann 1958) and *No Longer at Ease* (Heinemann 1960).

²⁹ Tunde Kelani, *Oleku* (Mainframe Films, 1997); see also Simisola Opeoluwa, *Stubborn Grasshopper* (1998).

³⁰ Chimamanda Ngozi Adichie, *Half of a Yellow Sun* (Fourth Estate 2006); Biyi Bandele (dir), *Half of a Yellow Sun* (2013).

of *Elesin Oba: The King's Horseman*, adapted from Soyinka's *Death and the King's Horseman*, revisited colonial and indigenous tensions.³¹

Nonetheless, some authors remain reluctant to permit adaptations of their works. Veteran filmmaker Lancelot Imasuen has noted that concerns include misrepresentation, distortion for commercial gain, and, crucially, the loss of creative control.³² Authors may worry about inadequate intellectual property protection, the risk of unauthorised changes, and insufficient compensation. These issues underline the need for legal clarity on proprietary rights and creative authority in Nigeria's adaptation landscape.

1.5 Legal Framework of Creative Proprietary Rights of Literary Works in Nigeria

The viability of the proprietary rights of authors and creators of literary works in Nigeria is contingent upon a coherent and enforceable legal framework. Beyond facilitating commercial success and prosperity for authors, such a framework ensures the protection of intellectual property rights, serving as a cornerstone for creative autonomy and economic empowerment.

The principal legislation governing creative proprietary rights in Nigeria is the Copyright Act 2022, which repealed the Copyright Act Cap C28, LFN 2004. The new Act reflects amendments designed to align Nigerian copyright law with evolving international standards and digital realities. It defines literary works broadly to include novels, poems, plays, reference works, articles, and newspapers, and prescribes the conditions under which such works qualify for

³¹ Wole Soyinka, *Death and the King's Horseman* (Methuen 1975); *Elesin Oba: The King's Horseman* (Netflix, 2022).

³² Lancelot Oduwa Imasuen, remarks at the Nigerian Film Corporation Roundtable on Literary Adaptations (2020).

legal protection, namely, originality and fixation in a tangible medium of expression.³³

Under section 9 of the Copyright Act 2022, authors and playwrights are conferred a suite of exclusive rights, including the rights to reproduce, publish, publicly perform, and adapt or translate their works.³⁴ These rights may not be exercised by any third party without prior authorisation or licence from the copyright holder. By default, the first owner of copyright in literary works is the author, except where the work is created in the course of employment or under commission, such as contributions to newspapers, magazines, or online platforms, wherein ownership may vest in the employer or commissioning party, subject to contractual stipulations.³⁵

The duration of copyright in literary works is the lifetime of the author plus 70 years post-mortem.³⁶ In cases of joint authorship, the term is calculated from the death of the last surviving author. For anonymous or pseudonymous works, protection endures for 70 years from the end of the year in which the work was first published.³⁷

The copyright framework protects both economic and moral rights. Economic rights, as articulated in section 9, encompass the author's exclusive right to exploit the work commercially, through reproduction, publication, adaptation, and public performance.³⁸

³³ Copyright Act 2022, s 1(3).

³⁴ *ibid* s 9(1)(a)–(f).

³⁵ *ibid* s 10.

³⁶ *ibid* s 11(1)(a).

³⁷ *ibid* s 11(1)(b).

³⁸ *ibid* s 9.

More critically, section 14 of the Act protects moral rights, which preserve the personal and reputational interests of authors.³⁹ These rights include the right of attribution, which entitles authors to be identified as creators of their works, and the right of integrity, which empowers them to object to any distortion, mutilation, or derogatory treatment of their work that could prejudice their honour or reputation.⁴⁰ These rights are inalienable during the author's lifetime and may only be transferred posthumously by testamentary disposition or operation of law, lasting for the duration of the copyright term.⁴¹ The enduring reputations of Nigerian literary figures such as Chinua Achebe and Zulu Sofola demonstrate how moral rights continue to preserve an author's legacy long after death.

The concept of image rights intersects with proprietary literary rights, especially where the reproduction of a person's likeness whether fictional or real is adapted in artistic, literary, or cinematographic form. Image rights, when creatively expressed and fixed, become subject to intellectual property protection under copyright law.⁴² Consequently, unauthorised use or commercial exploitation of such representations can constitute actionable infringement. In *Mofe-Damijo v Jumia* (2018), for instance, the renowned actor Richard Mofe-Damijo instituted legal proceedings against the e-commerce platform for exploiting his image without consent, underscoring the legal protections afforded to personality rights in Nigeria.⁴³

The enforcement architecture of Nigeria's copyright regime is vested in the Nigerian Copyright Commission (NCC), established under section 34 of the Act.⁴⁴ The NCC is the principal regulatory and enforcement agency for copyright

³⁹ *ibid* s 14.

⁴⁰ *ibid* s 14(1)(a)–(b).

⁴¹ *ibid* s 14(2).

⁴² See *Bodley Head v Flegon* [1972] 1 WLR 680.

⁴³ *Richard Mofe-Damijo v Jumia Nigeria Ltd* (Unreported, Lagos High Court, 2018).

⁴⁴ *ibid* s 35.

matters in Nigeria. It is statutorily mandated to administer copyright, prosecute infringers, regulate adaptation procedures, and maintain a voluntary online registration system that provides prima facie evidence of ownership.⁴⁵ This registration system, while not mandatory for protection to subsist, plays a crucial role in litigation and dispute resolution processes involving infringement of literary and artistic works.

1.6 Controversial Adaptations in Nollywood: Case Scenario

1.6.1 *Gangs of Lagos (2023): Isale Eko Descendants' Union v Amazon Web Services Nigeria Ltd & Others*

In 2023, the release of the film *Gangs of Lagos* drew strong criticism for its portrayal of the Eyo masquerade, a revered symbol of the cultural heritage of the Isale Eko people of Lagos State. The depiction in the film allegedly linked the Eyo tradition to organized crime and violence, a portrayal that prominent stakeholders including the Lagos State Government and traditional authorities, deemed offensive and misleading.⁴⁶

Consequently, the Isale Eko Descendants' Union (IDU) instituted an action before the High Court of Lagos State against *Amazon Web Services Nigeria Ltd* and other parties involved in the production and dissemination of the movie. The plaintiffs contended that the portrayal amounted to a violation of cultural image rights, historical misrepresentation, and reputational damage to the Isale Eko community.⁴⁷

⁴⁵ Copyright Act 2022, s 34.

⁴⁶ Lagos State Government, 'Press Statement on *Gangs of Lagos* and the Misrepresentation of the Eyo Tradition' (April 2023) <https://lagosstate.gov.ng> accessed 17 July 2025.

⁴⁷ *Isale Eko Descendants' Union v Amazon Web Services Nigeria Ltd & Ors* (Unreported, High Court of Lagos State, 2023) (suit filed and pending).

The reliefs sought included:

1. A declaration that the portrayal of the Eyo masquerade in *Gangs of Lagos* is defamatory, offensive, and a gross misrepresentation of the customs and identity of the Isale Eko people;
2. An injunction restraining the further publication, screening, or distribution of the film without adequate modification or disclaimer;
3. An order of public apology from the defendants, to be published in two national dailies;
4. Damages in the sum of ₦10,000,000.00 for reputational injury and psychological distress caused to the Isale Eko community;
5. An order directing the Lagos State Film and Video Censors Board and the Attorney-General of Lagos State to enforce relevant provisions of the *Cinematograph Law of Lagos State* in line with their statutory mandate.⁴⁸

This case exemplifies the tension between creative expression and the legal protection of cultural identity in Nigeria. It further reveals a gap in regulatory oversight and calls for stronger safeguards against unauthorised adaptations that may infringe on community image rights and traditional heritage.⁴⁹

1.6.2 Okafor's Law (2016): *Raconteur Productions Ltd v Dioni Visions Entertainment Ltd & Others*

In *Raconteur Productions Ltd v Dioni Visions Entertainment Ltd & Others*,⁵⁰ the plaintiff, a company associated with writer Jude Idada, instituted a copyright infringement action against *Dioni Visions Entertainment Ltd*, the production outfit owned by renowned Nollywood filmmaker, Omoni Oboli. The dispute centred

⁴⁸ Cinematograph Law of Lagos State (Cap C8, Laws of Lagos State 2004); see also Nigerian Copyright Commission, 'Guidelines for the Protection of Traditional Cultural Expressions' (2022).

⁴⁹ Copyright Act 2022 (Nigeria), ss 5, 6 and 28.

⁵⁰ *Raconteur Productions Ltd v Dioni Visions Entertainment Ltd & Ors* (Unreported, Federal High Court, Lagos, 2019) Suit No FHC/L/CS/370/2017.

around the hit film *Okafor's Law* (2016), which the plaintiff alleged was unlawfully adapted from a screenplay originally authored by Idada without authorisation, credit, or remuneration.

The plaintiff contended that his original screenplay, which he claimed had been shared during prior collaborative discussions, was reproduced without consent, thereby infringing on his copyright as a literary work protected under the Nigerian Copyright Act.⁵¹ The court was tasked with determining whether the plaintiff's copyright had been violated, whether the screenplay qualified for protection, and whether the alleged unauthorised adaptation amounted to infringement under the law.

Pending the hearing and determination of the substantive matter, the court granted an interim injunction restraining the defendants from proceeding with the planned premiere and public release of *Okafor's Law*.⁵² This temporary relief reflected the seriousness of the claims and the court's consideration of potential irreparable harm to the claimant's intellectual property rights.

Ultimately, in 2019, after a two-year legal contest, the Federal High Court dismissed the plaintiff's case for lack of sufficient evidence to establish authorship and originality of the allegedly infringed script.⁵³ The ruling affirmed the production rights of Omoni Oboli and her team, signalling the evidentiary burden plaintiffs must meet in asserting proprietary claims over literary works in Nollywood.

⁵¹ Copyright Act 2022 (Nigeria), ss 1(1)(a), 2(1), and 6(1)(b); see also Nigerian Copyright Commission, 'Protection of Literary and Artistic Works in Nigeria' <https://copyright.gov.ng> accessed 17 July 2025.

⁵² Raconteur Productions (n 1).

⁵³ *ibid.*

This case underscores the growing need for clear contractual agreements in creative collaborations and the critical importance of proof in copyright enforcement actions in the Nigerian film industry.

1.7 Reforms for Legal Compliance and Harmonised Collaboration in Literary Adaptations for Nigerian Cinema

In light of the disputes surrounding unauthorised adaptations, such as the dispute in *Raconteur Productions Ltd v Dioni Visions Entertainment Ltd*, where claims of copyright infringement were raised over the film *Okafor's Law*, the reluctance of literary figures to permit the adaptation of their works is understandable.⁵⁴ However, such reluctance need not result in animosity. With clearly defined legal standards and procedural frameworks, the relationship between authors and filmmakers can evolve into a symbiotic one, fostering mutual respect and promoting lawful, creative collaborations.

A structured system of compliance would allow for smoother adaptation of literary works into visual media, ensuring both the preservation of the original narrative's essence and its expanded reach to broader audiences. Such frameworks would grant authors an additional commercial avenue for their work, effectively a financially beneficial second life—while enriching the Nigerian film industry with deeper content and more nuanced storytelling.

The Nigerian Copyright Act 2022 explicitly affirms the rights of authors over the adaptation and derivative use of their literary works.⁵⁵ Literary works, including screenplays, are protected as original expressions, and unauthorised adaptations

⁵⁴ *Raconteur Productions Ltd v Dioni Visions Entertainment Ltd & Ors* (Unreported, Lagos Federal High Court, 2019); see also Jude Idada's claims as reported in Akinwale Akinyoade, 'Court Stops Premiere of Omoni Oboli's "Okafor's Law"' *The Guardian* (16 March 2017) <https://guardian.ng> accessed 15 July 2025.

⁵⁵ Copyright Act 2022, ss 1(1)(a), 6(1)(b), and 7(2)(a).

constitute infringement under the Act.⁵⁶ However, enforcement mechanisms are still evolving. Strengthening these mechanisms, both statutorily and institutionally, is essential to ensure consistent compliance and to deter unauthorised use of protected works.

Moreover, sector-specific legislation like the National Film and Video Censors Board Act could be amended to address the unique legal considerations arising in literary adaptations. While the Act currently focuses on classification and censorship, it does not provide a regulatory framework for assessing or verifying the copyright status of source materials used in films.⁵⁷ Amendments could introduce provisions requiring filmmakers to obtain appropriate rights clearances and licences prior to production. These provisions might also impose ethical obligations when portraying real-life individuals or adapting culturally sensitive works, thus helping to avoid reputational harm or legal disputes.

Such statutory reforms would create a legal safety net for authors, encouraging collaboration by ensuring their intellectual property rights are respected and upheld. They would also serve as a compliance framework for the film industry, reducing litigation risks and promoting best practices.

Furthermore, effective communication between authors and filmmakers is critical in fostering cooperative creative processes. Collaborative dialogues from the project's inception would ensure that the adaptation respects the spirit of the original work. Contracts should stipulate the nature of the rights transferred, the scope of adaptation, royalty arrangements, and attribution. Adopting a model of *collective authorship*, which acknowledges both the literary and visual

⁵⁶ *ibid* s 10(1)(d); see also Olusegun Yerokun, *Intellectual Property Law in Nigeria* (3rd edn, Princeton Publishing Co 2020) 115–117.

⁵⁷ National Film and Video Censors Board Act, Cap N40, LFN 2004; see Adebayo Adedeji, 'Reforming Film Regulation in Nigeria: Beyond Censorship' (2021) 8(2) *Nigerian Journal of Media Law* 45, 49.

contributors, would also enhance inclusivity and fairness in the adaptation process.

In conclusion, a more harmonised, legally robust, and ethically grounded relationship between authors and filmmakers holds significant potential for the growth of Nigerian creative industries. Through statutory reform, institutional capacity-building, and a culture of dialogue and mutual respect, Nigeria can cultivate a vibrant adaptation ecosystem grounded in compliance and creative excellence.

1.8 Findings and Case Review

This paper's findings reveal that a significant challenge facing the Nigerian film industry in the adaptation of literary works stems from the lack of regulatory clarity, industry-specific compliance frameworks, and mutual understanding between authors and filmmakers. The analysis of landmark cases highlights the legal vacuum that often leads to intellectual property (IP) infringement, weakened authorial rights, and strained professional relationships.

1.8.1 *The Raconteur Productions Ltd v Dioni Visions Entertainment Ltd & Ors*

This case remains a pivotal moment in Nigerian copyright litigation involving literary adaptation. Jude Idada, the claimant and author of a screenplay titled *Okafor's Law*, alleged that his intellectual property was unlawfully used by Dioni Visions Entertainment Ltd and Omoni Oboli in the production and planned release of a film bearing the same title. The court, sitting in Lagos, issued an interim injunction preventing the public premiere of the film at the time, pending resolution of the copyright dispute.⁵⁸

⁵⁸ *Raconteur Productions Ltd v Dioni Visions Entertainment Ltd & Ors* (Unreported, Lagos FHC, 2017); see also Akinwale Akinyoade, 'Court Stops Premiere of Omoni Oboli's "Okafor's

The case illustrated the absence of enforceable contracts between the parties, despite initial collaboration. The plaintiff alleged that the producer went ahead with production and distribution without finalising usage agreements or honouring terms regarding his screenplay. The injunction granted by the Federal High Court emphasized the recognition of *prima facie* ownership of literary property even in pre-production stages. The judicial intervention also marked a rare but vital assertion of authors' rights in the Nigerian entertainment industry.⁵⁹

This case exposes a recurring problem: producers often underestimate or bypass the legal necessity of securing *express* permission or assignment of copyright before proceeding with adaptation. The Copyright Act 2022 explicitly states that literary works, including scripts and manuscripts, are protected expressions and that the right to reproduce or adapt them lies solely with the original creator unless otherwise assigned by a valid agreement.⁶⁰

1.8.2 Adekeye v Nigerian Television Authority (NTA)

In this earlier but significant decision, Adekeye sued the NTA for broadcasting a drama script without authorisation, which had been submitted for consideration but never contracted or compensated for. The court found that the NTA had indeed infringed upon the author's copyright and awarded damages accordingly.⁶¹

This decision, though less commercially prominent than the *Okafor's Law* case, establishes the judicial posture that unsolicited or improperly used scripts still

Law”” *The Guardian* (16 March 2017) <https://guardian.ng/life/court-stops-premiere-of-omoni-obolis-okafors-law/> accessed 17 July 2025.

⁵⁹ Ifeoma Okechukwu, ‘Copyright Infringement and Film Adaptations in Nigeria: A Review of the “Okafor’s Law” Dispute’ (2019) 13(1) *Nigerian Entertainment Law Review* 23.

⁶⁰ Copyright Act 2022, ss 1(1)(a), 6(1)(b), and 10(1)(d).

⁶¹ *Adekeye v Nigerian Television Authority (NTA)* (1985) FHCLR 299; see also Olusegun Yerokun, *Intellectual Property Law in Nigeria* (3rd edn, Princeton Publishing Co 2020) 101–105.

retain legal protection under Nigerian copyright law. It further solidifies the concept that *intellectual creation alone*, not merely contractual formality, is the basis of ownership and legal redress in Nigeria.

1.9 Sectoral Lessons and Implications of Adaptation Disputes in the Nigerian Film Industry

The controversies surrounding literary and narrative adaptations in Nollywood expose critical legal and structural deficiencies within Nigeria's creative sector, particularly regarding intellectual property rights and compliance. These deficiencies are made more apparent when examining high-profile disputes such as *Isale Eko Descendants Union v Amazon Web Services Nigeria Ltd & Ors* and *Raconteur Productions Ltd v Dioni Visions Entertainment Ltd & Ors*. These cases reveal the following lessons and implications for the Nigerian film and theatre industry.

First, there is a marked absence of industry-specific legal processes for regulating adaptation practices. The National Film and Video Censors Board (NFVCB), established under the *National Film and Video Censors Board Act*,⁶² is mandated primarily to classify and censor films. It is not statutorily empowered to verify the originality or licensing status of adapted scripts. Consequently, adapted works are often released into the public domain without adequate scrutiny of their legal foundation, thereby increasing the risk of post-release litigation and reputational damage to filmmakers and production companies.⁶³

Second, a lack of licensing culture permeates the industry. Many film producers operate under the erroneous belief that acquiring a script, either through informal discussions or minimal contractual documentation, confers upon them the right to

⁶² National Film and Video Censors Board Act, Cap N40, LFN 2004, ss 3–5.

⁶³ Ibrahim Buba, 'Film Censorship and Copyright Enforcement: The Role of NFVCB' (2021) 13 *Nigerian Entertainment Law Review* 45, 47.

proceed with adaptation. This contravenes the provisions of the *Copyright Act 2022*, which mandates that any adaptation of a protected literary work must be preceded by the acquisition of relevant rights or licenses from the copyright holder.⁶⁴ In *Raconteur Productions Ltd v Dioni Visions Entertainment Ltd*, the dispute emerged because the plaintiff alleged that his copyrighted screenplay was used without authorisation, illustrating the consequences of non-compliance with statutory requirements for rights clearance.⁶⁵

Third, the judiciary's involvement in protecting copyright is largely reactive rather than preventive. In both of the cases mentioned, it was only after the aggrieved parties approached the court that temporary relief or judgment was granted. In *Raconteur Productions*, an interim injunction was issued to stop the release of *Okafor's Law* pending the determination of the substantive case, but this relief came at a stage where production and promotional efforts were already in advanced stages.⁶⁶ This approach highlights a systemic weakness in Nigeria's legal infrastructure for pre-emptive dispute resolution in the creative industry.

Fourth, the disconnection between authors and filmmakers undermines collaborative creativity. The cases illustrate a recurring trend of fractured communication and absence of inclusive creative agreements. In *Isale Eko Descendants Union v Amazon Web Services*, the plaintiffs alleged misrepresentation of their cultural identity due to lack of consultation with cultural custodians during the scripting phase of *Gangs of Lagos*.⁶⁷ This highlights the need for a collective authorship or participatory adaptation model that recognises the creative and cultural contributions of all stakeholders.

⁶⁴ Copyright Act 2022, ss 6(1)(b), 7(1), 10(2)(c).

⁶⁵ *Raconteur Productions Ltd v Dioni Visions Entertainment Ltd & Ors* (Unreported, Federal High Court, 2017) (on file with the authors).

⁶⁶ *ibid.*

⁶⁷ *Isale Eko Descendants Union v Amazon Web Services Nigeria Ltd & Ors* (Unreported, Lagos High Court, 2023).

These lessons point to an urgent need for reform, both at the legislative and industry practice levels. Institutional amendments to empower regulatory agencies with copyright compliance oversight, as well as public education on licensing and authorship rights, would reduce litigation and foster mutual respect between writers and filmmakers. A strengthened legal ecosystem for adaptations could also stimulate a new wave of high-quality Nigerian films grounded in authentic literary and cultural sources.

1.10 Emerging Judicial Principles

The cases reviewed contribute to a developing body of jurisprudence on literary adaptations in Nigeria:

1. Authors' rights in scripts and unpublished literary content are judicially recognised.
2. Interim injunctions are effective tools in preserving copyright during litigation.
3. Courts favour the party who can prove original authorship and creative contribution, regardless of subsequent production investment.

These judicial precedents underscore the urgent need for legislative reform, particularly the amendment of the National Film and Video Censors Board Act to include verification protocols for copyright status before registration and classification of films. Strengthening IP enforcement mechanisms and fostering communication between authors and producers will not only reduce conflict but also enrich Nigeria's creative economy.

1.11 Conclusion and Recommendations

The exploration of proprietary rights and creative control in the Nigerian film and theatre industry reveals a complex interplay of legal ambiguity, institutional

incapacity, and systemic disregard for copyright compliance. The disputes in *Raconteur Productions Ltd v Dioni Visions Entertainment Ltd* and *Isale Eko Descendants Union v Amazon Web Services Nigeria Ltd* exemplify how poor contractual documentation, inadequate rights clearance, and fragmented stakeholder relationships can lead to costly and reputationally damaging litigation.⁶⁸ The recurring themes in these cases, lack of licensing culture, absence of proactive regulatory oversight, and weak collaboration between original authors and filmmakers point to deep-rooted structural issues in Nollywood's adaptation landscape.

From a legal standpoint, while Nigeria's *Copyright Act 2022* provides a robust framework for protecting literary and derivative works, its effectiveness is undermined by inconsistent enforcement and limited industry awareness.⁶⁹ The judiciary has played a key role in affirming copyright principles, but its intervention has largely been reactive and case-specific, offering little systemic prevention of future infractions.⁷⁰ Regulatory bodies like the National Film and Video Censors Board (NFVCB) lack a clear mandate to vet intellectual property provenance, which creates a regulatory vacuum that emboldens non-compliance in adaptation practices.⁷¹

If Nigeria is to continue evolving as a global cultural powerhouse, it must align its creative economy with international standards of intellectual property governance. This requires a collective effort, from lawmakers and regulators to creators and producers, to build a rights-respecting ecosystem that celebrates originality while embracing lawful collaboration.

⁶⁸ *Raconteur Productions Ltd v Dioni Visions Entertainment Ltd & Ors* (Unreported, Federal High Court, 2017).

⁶⁹ Copyright Act 2022, ss 6–10.

⁷⁰ *Isale Eko Descendants Union v Amazon Web Services Nigeria Ltd & Ors* (Unreported, Lagos High Court, 2023).

⁷¹ National Film and Video Censors Board Act, Cap N40 LFN 2004, ss 3–5.

In light of these findings, several recommendations are proposed to strengthen legal protections and foster a more respectful, collaborative adaptation culture within the Nigerian creative industry:

1. **Mandatory Licensing Registry:** The Nigerian Copyright Commission (NCC) should establish and enforce a digital registry for adaptation rights, requiring all production companies to submit evidence of licensing agreements before a film or play is publicly exhibited.
2. **Institutional Reform:** The NFVCB's enabling statute should be amended to include limited intellectual property compliance checks as part of its film approval process. While the Board should not replace courts, it can play a preventative role by flagging rights issues pre-release.
3. **Model Adaptation Agreements:** Stakeholders, including scriptwriters' associations, filmmakers' guilds, and entertainment lawyers, should collaborate to develop standardised model contracts for adaptations. These templates should cover licensing, creative control, attribution, and compensation.
4. **Capacity Building and Industry Education:** Regular workshops and training on copyright and adaptation law should be organised by the NCC and industry bodies to bridge the knowledge gap among producers, directors, and emerging creatives.
5. **Alternative Dispute Resolution (ADR) Mechanisms:** A creative industry-specific arbitration or mediation panel should be instituted to resolve adaptation disputes quickly and confidentially, thereby avoiding prolonged litigation.
6. **Promotion of Co-Creation Frameworks:** Encouraging joint authorship and co-ownership models for adaptations will foster transparency and reduce the author–filmmaker divide that currently plagues the industry.