TITLE PAGE

A CRITICAL ANALYSIS OF THE LEGAL IMPLICATIONS OF ARTIFICIAL INTELLIGENCE IN MUSIC CREATIONS AND COPYRIGHT LAWS.

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DECLARATION

I, **AZORO-EKEZIE CHIKEREUBA OLADEJI,** a student of Alex Ekwueme Federal University Ndufu Alike Ikwo, hereby declare that this work is a product of my own research efforts; undertaken under the supervision of **BARR. UGOTA GABRIEL AWOKE** and has not been presented elsewhere for the award of a degree or certificate. All sources have been duly distinguished and appropriately acknowledged.

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AZORO-EKEZIE CHIKEREUBA OLADEJI

(2020/LW/15125)

CERTIFICATION

This is to certify that this long essay titled "The Legal Implications of Artificial Intelligence in Music and Copyright Laws" has been assessed and approved by the Undergraduate Studies Community of the Faculty of Law, Alex Ekwueme Federal University, Ndufu Alike Ikwo" as an original work carried out by Azoro-Ekezie Chikereuba Oladeji with registration number: 2020/LW/15125 in the Faculty of Law, Alex Ekwueme Federal University, Ndufu Alike Ikwo, under the guidance and supervision of Barr. Ugota Gabriel Awoke.

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DEDICATION

Glory to God, Glory to God, somebody say Do Oghene Do. This research is dedicated to God for running things smoothly, my parents and siblings who without them this would not have been possible. My friends and close guys who have undertaken this journey with me and lastly myself, I tried in the pursuit of academic success.

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LIST OF ABBREVIATIONS

AC-	Appeal Case
All FWLR –	All Federation Weekly Law Report
All NLR-	All Nigeria Law Report
AI-	Artificial Intelligence
Cap-	Chapter
CHR-	Chancery Report
LFN-	Laws of the Federation of Nigeria
NCLR-	Nigeria Constitutional Law Report
NITDA-	National Information Technology Development Agency
NWLR –	Nigeria Weekly Law Report
MCSN-	Musical Copyright Society of Nigeria
Pt-	Part
P-	Page
SCJN-	Supreme Court of Nigeria Judgment
SACLR-	South Africa Constitutional Law Report
SC-	Supreme Court

ABSTRACT

The music industry is no stranger to disruptive technology as the incorporation of Artificial Intelligence (AI) into the music industry has ushered in a myriad of both favorable and unfavorable consequences. On one side Artificial intelligence has instigated a transformation in the creation, consumption, and discovery of music. It has provided artists with new realms of creative exploration, equipped music producers with advanced tools, and elevated the overall music listening experience for aficionados. However, the advent of AI in music industry has triggered high rate of the violation of copyright in music industry as it poses threat to originality and authorship of musical creation. The main objective of this study is to appraise the legal implications of AI in music and copyright laws. In the course of carrying out this research, doctrinal research methodology was adopted and the study recommended among others, that enforcement should be strengthened to hold digital service providers accountable by requiring them to remove infringing AI-generated content upon receiving a notice from the copyright owner, and introduce clear penalties for developing AI to pirate copyrighted works. The study concluded that the advancements in computing are reaching a point where distinguishing between works created by humans and those generated by machines will become increasingly challenging. Hence, it becomes our responsibility to determine the extent of protection we should afford to AI-generated works, even when they involve minimal or no human intervention.

CHAPTER ONE

INTRODUCTION

1.1 Background to the study

In the 21st century, Artificial Intelligence (AI) has emerged as a transformative force, reshaping economies, legal systems, and cultural production across the globe. One of the most significant and rapidly evolving frontiers is the music industry, where AI technologies now influence a wide range of functions—from music composition and voice synthesis to sound mastering, personalized streaming, and real-time production automation.[1] Cutting-edge tools such as OpenAI's Jukebox, Google's Magenta, Amper Music, and Aiva can autonomously generate music that closely mimics human-made compositions, sometimes indistinguishably so. These developments, while innovative, challenge the traditional understanding of copyright law, particularly its human-centric assumptions about authorship, originality, and moral rights.[2]

Under the Copyright Act 2022 of Nigeria, copyright subsists in "original" literary, musical, and artistic works that are fixed in a tangible form, conferring both economic and moral rights upon the author, who is presumed to be a natural person. This definition reflects a longstanding anthropocentric legal tradition that excludes non-human agents like AI from the status of author. Consequently, there exists a legal lacuna concerning the copyright status of music generated wholly or partially by AI—a gap that becomes more pressing as the use of generative AI systems in creative industries grows.[3]

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[1] Section 108 of the *Copyright Act* 2022.
[2] Chinedu Nwabachili, *Intellectual Property Law in Nigeria* (Chuka Printing, 2021) 20.
[3] Walter Cornish, & et al, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights* (9th edn, Sweet & Maxwell, 2019), 3.

Nigeria, like many developing jurisdictions, has yet to enact legislative or judicial measures that directly address these emerging challenges. The absence of explicit statutory guidance leaves authors, producers, and AI developers uncertain about the scope and enforceability of copyright in AI-generated music. As a result, Nigeria finds itself at a critical crossroads—one where innovation outpaces regulation.[4]

Beyond technical legal challenges, the AI–music intersection raises ethical and socio-economic concerns. For instance, generative AI systems often rely on vast datasets, including copyrighted material, to "learn" musical patterns. This creates a real risk of algorithmic plagiarism and unauthorized reproduction, raising questions of liability, attribution, and consent. Simultaneously, the increasing automation of creative processes may displace traditional musicians, devalue human creativity, and concentrate cultural production within a handful of tech companies.[5]

More broadly, the rise of AI in music challenges foundational doctrines of copyright such as originality, fixation, and moral rights. If an AI system composes a song, who owns it—the developer, the user, the trainer, or no one at all? Can an AI possess moral rights such as the right to attribution or integrity? Should copyright subsist in works that lack human input? These questions are not merely academic—they strike at the heart of intellectual property's goals: to reward creativity, encourage innovation, and promote cultural development.[6]

Therefore, this project seeks to critically examine the legal implications of AI-generated music under Nigerian law, evaluate comparative responses from other jurisdictions, and propose legislative and policy recommendations that balance innovation with legal certainty and fairness. By engaging with local and international legal instruments, judicial opinions, and scholarly

[4] Albert Adewopo, *Nigerian Copyright System: Principles and Perspectives* (Odade Publishers, 2012) 23.
[5] Sam Ricketson & Jane Ginsburg, *International Copyright and Neighbouring Rights* (2nd edn, Oxford University Press 2005) 5.
[6] Stephen Russell, & Paul Norvig, *Artificial Intelligence: A Modern Approach* (Pearson Education Limited, 2016) 56.

thought, this research will contribute to the urgent discourse on how copyright law can evolve in the age of machine creativity.

The rapid technological advancements of the twenty-first century have resulted in an increasingly digital and interconnected global society. At the forefront of this technological revolution is artificial intelligence, a transformative technology that has the potential to revolutionize decision-making processes across diverse industries and domains.[7] As a result, AI has been increasingly integrated into various aspects of business operations, including corporate decision making, revolutionizing the way businesses make decisions by transitioning from traditional human-led methods to automated, data-driven ones. This has enabled corporations to analyze vast amounts of data, identify patterns, and make informed decisions swiftly, leading to potential efficiency gains and improved outcomes.[8]

In Nigeria, the adoption of AI in decision-making has gained significant traction, with companies in various sectors leveraging AI-Powered tools to drive growth, improve efficiency and enhance customer experience. However, this reliance on AI in decision-making process raises important questions about the legal and ethical implications of its adoption, such as accountability for detrimental decisions, ensuring algorithms fairness and compliance with existing laws. As AI integrates into critical decision-making process, a profound understanding of its legal and ethical implications becomes imperative.[9]

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[7] Nathaniel Robinson, *Artificial Intelligence: Its Importance, Challenges and Applications in Nigeria*, available at <https://directresearchpublisher.org/drjeit/files/2018/12/Robinson.pdf> accessed 14th August, 2025.

[8] Allen Prasanth, *Role of Artificial Intelligence and Business Decision Making,* International Journal of Advanced Computer Science and Applications, [2023] 14 (6*),* 965.

[9] L Bertuzzi, OECD Updates Definition of Artificial Intelligence, available at <http://www.euractiv.com/section/artificial-intelligence/news/oecd-updates-definition-of-artificial-intelligence-to-informeus-ai-act>/ accessed 14 August, 2025.

1.2 Statement of the Problem

The music industry is no stranger to disruptive technology. Indeed, litigation following the ascendance of illegal file sharing services helped dramatically shape a cornerstone of modern US secondary liability jurisprudence. However, for the music industry, the damage had already been done. Music sales and licensing revenue plunged by more than half in the first decade of the twenty-first century, making the industry's rebound in recent years more cause for cautious optimism than celebration.[10]

The music business' supposed comeback seems to have arrived just in time for what may be an even more disruptive technological phenomenon: the proliferation of artificial intelligence ("AI"). As applied to music, AI has been met with intrigue and enthusiasm. However, courts and policymakers must be careful not to overlook the potentially devastating impacts that this novel technology could have on human authorship.[11]

The rapid proliferation of Artificial Intelligence (AI) technologies in the creative industries—particularly the music sector—has exposed the limitations of conventional copyright frameworks. Central to copyright law are the concepts of authorship, originality, and moral rights, all of which presuppose a human creator. However, AI systems such as Open AI's *Jukebox*, Google's *Magenta*, and commercial platforms like *Amper Music* and *Aiva* are now capable of generating complex musical compositions either autonomously or with minimal human input. This technological shift has upended foundational assumptions embedded in intellectual property regimes.[12]

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[10] Chris Nicholson, A Beginner's Guide to Generative Adversarial Networks, available at: <https://wiki.pathmind.com/generative-adversarial-network> accessed on 12th August, 2025.
[11] M Tim Jones, A Beginner's Guide to Artificial Intelligence, Machine Learning, and Cognitive Computing, available at <https://developer.ibm.com/articles/cc-beginner-guide-machine-learning-ai-cognitive/#machine-learning> accessed on 12th August, 2025.
[12] *Ibid*, (n 11).

In a developing country like Nigeria-where indigenous and emerging artists rely heavily on copyright for livelihood and recognition—the unregulated use of AI tools may result in exploitation, cultural appropriation, and the erasure of artistic identity. Moreover, the failure to modernize copyright law to reflect these realities may stifle technological innovation, discourage foreign investment in Nigeria's creative economy, and create regulatory inconsistencies with other jurisdictions.

Without proactive legislative and judicial interventions, Nigeria risks falling behind in the development of an equitable and future-facing copyright regime. The need for comprehensive research into these evolving dynamics is both urgent and compelling.

1.3 Research Questions

Flowing from the background and subsequent problems revealed or disclosed in the statement of the problem, the researcher would rely on the following questions to direct the path of this study. This study seeks to answer the following key questions:

1. What are the legal implications of the advent of AI tools in copyright in music in Nigeria?
2. Can AI-generated music qualify as a copyrightable work under Nigerian law?
3. How effective are Nigerian intellectual property laws in preserving intellectual property rights in music in the era of artificial intelligence?
4. What are the roles of Nigerian courts in preserving music copyright against violation by AI?

1.4 Objectives of the Study

The general objective of this study is to appraise the legal implications of AI in music and copyright laws.

Specifically, this study tends to achieve the following:

1. To analyze in details the legal implications of the advent of AI tools in copyright in music in Nigeria.
2. To find out whether AI-generated music can qualify as a copyrightable work under Nigerian copyright Act.
3. To critically evaluate how effective are Nigerian intellectual property laws in preserving intellectual property rights in music in the era of artificial intelligence.
4. To examine the roles of Nigerian courts in preserving music copyright against violation by AI tools.

1.5 Research Methodology

This research is a long essay on the implications of AI to copyright in music and therefore, doctrinal method of research is applied because of its nature. A huge part of the information was gotten from secondary and primary sources such as textbook, internet sources, journals, and local and international case laws and statutes respectively.

1.6 Scope of the Study

The focus in this study is Nigeria, and as such, particular attention will be paid to the relevant Nigerian laws that concern copyright and the rights available to owners of intellectual property in music, especially in this AI era. However, emphasis shall be on the likely implications of the advent of AI tools on these intellectual rights in music and the position of Nigerian laws to avert

violations. Current intellectual property laws are not capable enough to deal with the issues of ownership of intangible assets created by artificial intelligence. Ownership issues under intellectual property mainly deals with issues related to data ownership, data privacy, ethical consideration, algorithm ownership.

1.7 Significance of the Study

Strict Copyright enforcement in the Nigerian music industry in this era of the ravaging artificial intelligence is pivotal, particularly in maintaining economic advancement and development, and fostering innovation.

Without legal protection and adequate enforcement of intellectual property right in musical industry, it would be difficult for musical copyright owners to enjoy the rights accruable to their production without infringement using AI. This research will be helpful as it will discover the likely legal implications of the advent of AI to copyright in musical industry in Nigeria. Thus, this study will be significant to the following persons;

(1) This study will improve the understanding of the Nigerian copyright law in music industry and make recommendations that will preserve the right against infringement by AI tools.

(2) Form body of literature for further research in this area of intellectual property and so, be of immense importance to lawyers in the area of AI and intellectual property.

(3) Be of immense significance to policy makers in coming up with AI policies that would help prevent the high rate of copyright violations in musical industry through the use of AI tools.

(4) This study will also contribute to policy reforms and legal frameworks development.

(5) Generally, this study will be of immense benefit to academia, lawyers and legal practitioners, Policymakers and lawmakers as well as business owners and entrepreneurs, enforcement agencies and to the general public and extend beyond Nigeria.

1.8 Limitations of the Study

The task of carrying out a research work on this topic was very inspiring, educative and informative but it is not devoid of some constraints.

These constraints include:

a. Time Constraint: Due to the final busy schedule and examinations, the Researcher could not handle the process of getting the information needed for this study.
b. Lack of frequent power supply was also one of the challenges the researcher encountered in the course of carrying out this research.
c. Financial Constraint: The Researcher does not have the financial where withal to carry out some of the expenses in this research work.
d. Dearth of Materials: there are no much literatures in the area of this research as the advent of AI is still without a specified existing legal framework in Nigeria.

CHAPTER TWO

CONCEPTUAL FRAMEWORK AND REVIEW OF RELATED LITERATURE

2.1 Conceptual framework

2.1.1 Concept of Artificial Intelligence

Artificial intelligence, also known as machine intelligence, is intelligence demonstrated by machines in contrast to natural intelligence displayed by humans and other animals. This means machines can be made to perform tasks commonly associated with intelligent beings like humans and animals. It is human-produced, machine-assisted, structured, and organized information created using human insight approaches including learning, reasoning, and self-healing.[13] The OECD's Expert Group on Artificial Intelligence defines AI as a machine-based system that infers outputs, such as predictions or decisions from input data to achieve explicit or implicit objectives.[14] Essentially, AI simulates the human mind to make computers think and act like humans by performing tasks like learning and problem-solving.

Artificial Intelligence (AI) encompasses computer systems designed to perform tasks that typically require human intelligence, including learning, reasoning, and creative problem-solving. In the realm of creativity, AI technologies utilize sophisticated algorithms—such as machine learning and deep neural networks—to generate novel outputs, including music compositions, with minimal or no direct human intervention.[15]

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[13] Adam Rahman, AI Revolution: *Shaping Industries through Artificial Intelligence and Machine Learning*, Journal Environmental Sciences and Technology, [2023] 2 (1) 93.

[14] Michelle Balbaa & Monday Abdurashidova, *The Impact of Artificial Intelligence in Decision Making: A Comprehensive Review*, available at <http://www. file:///C:/Users/Acer/Downloads/5.MuhammadEid15747>. accessed 12th August, 2025.

[15] Stella Russell, & Peter Norvig, *Artificial Intelligence: A Modern Approach* (4th edn, Pearson Publication, 2020) 21.

It is considered the science of making machines smart or more formally, the study of the designing intelligent agents that can perceive their environment, reason through information and make decisions to achieve specific goals. AI encompasses a range of technologies and methodologies, including machine learning, natural language processing and robotics, which collectively contribute to the evolution of intelligent systems.[16] These technologies enable computer systems to perform tasks that typically require human intelligence, such as analyzing extensive datasets, detecting patterns, and generating insights to support decision -making.

The integration of Artificial Intelligence in decision -making has the potential to enhance data analysis and insights, leading to increased efficiency and speed. AI systems can automate decision-making processes, reducing the time and effort required for manual analysis, and enabling the analysis of vast amounts of structured and unstructured data quickly and accurately.[17]

This uncovering of patterns, trends, and anomalies that human analysis might miss rationalizes board decisions, which often require large amounts of data especially for complex decisions. However, human directors may struggle to process a plethora of factors to reach optimal market-based decisions, as they are often unfamiliar with analytics, leading to decisions being made with little data analysis and an emphasis on gut feelings.[18] This is where AI shines, providing rapid analysis of large data arrays through its statistical and analytical models, which can detect hidden correlations and patterns in large data sets, ultimately supporting informed decision-making.

As a result, AI complements the capabilities and knowledge of the human board members by providing clear analysis of vast data, increasing the pace of difficult decision-making. Research of

[16] *Ibid*, (n 13).
[17] Mike Inaingo, *Legal Challenges in the Age of Artificial Intelligence in Nigeria*, available at <https://www.lawglobalhub.com/ legal- challenges-artificial-intelligence-in-nigeria>. accessed 16th August, 2025.
[18] Emmanuel Brynjolfsson, & A McAfee, *The Second Machine Age: Work, Progress, and Prosperity in a Time of Brilliant Technologies*, (W. W. Norton & Company, 2014) 43.

Rajagopal et al confirms the impact of AI systems on business outcomes, particularly in decision making-processes.[19]

Moreover, AI plays a crucial role in risk management by continually monitoring and analyzing diverse sources, detecting patterns and anomalies that may indicate potential risks or fraudulent activities. This proactive approach enables companies to respond swiftly and mitigate risks before they escalate. Additionally, AI improves efficiency and productivity by automating routine tasks, freeing human resources for strategic and creative work leading to increased productivity, enhanced efficiency and reduced errors.[20]

2.1.2 Concept of Music

The musicologist Jean-Jacques Nattiez notes that "music, often considered a universal language, is essentially sound organized through time and intended for aesthetic, expressive, or communicative purposes." [21] From a legal and intellectual property perspective, Black's Law Dictionary[22] defines music as "a succession of sounds or tones arranged in a particular sequence and rhythm, having the capacity to be fixed, performed, or reproduced."

[19] Micheal Siebecker, *Making Corporations More Humane Through Artificial Intelligence*, The Journal of Corporation Law, [2019] 45, 144.

[20] *Ibid*, (n 18) 145.

[21] Jean-Jacques Nattiez, Music and Discourse: Toward a Semiology of Music (Princeton University Press, 1990).

[22] Black's Law Dictionary, Music, (11th edn, Thomson Reuters, 2019).

2.1.3 Nature of Music and Copyright Law

Creativity remains a major vehicle of economic development in today's knowledge driven economy. Fortunately, Nigeria is well endowed with creative talents and it has distinguished itself in the film, music, literary works and the arts… unless the delicate balance between the rights of the copyright owners and the need for access is well managed, the fortunes of the practitioners in the creative industry and the sustainability of the creative industry would be in jeopardy. The music industry, much like any other institution of its kind, comprises of individuals through which it operates. Its products are the works of human intelligence and the author of a work exercises the right to control the use of such works to the exclusion of others.

Thus, the erudite jurist Ogbuinya, J.C.A. had this to say:

It is unconscionable to deny a musician the fruits of his intellectual efforts. Such kills ingenuity in the music artistic firmament to the detriment of all. This is because music is a money spinner for an artiste, his dependents, and successors. Its gains permeate all segments of the global society.[23]

Indubitably, a musician is a composer, who, like a spider that spins cobweb from its belly, creates something out of nothing. The product of his ingenuity is music which is the soul, lubricant and elixir of life. He acquires intellectual property over his musical work, which ranks *pari passu* with other proprietary rights.

And the rationale for intellectual property/copyright protection was expounded by Romer, J. where he put it thus that it is the law of this land that no man is entitled to carry on his business in such a way as to represent that it is the business of another, or is in any way connected with the business

[23] *Multichoice (Nig.) Ltd. v. M.C.S.N. Ltd/Gte* [2020] 13 NWLR (Pt. 1742) 415 at 535, paras. G-H

of another; that is the first proposition. The second proposition is, that no man is entitled so to describe… his [works] as to represent that the [works] are the [works] of another.[24]

Without intellectual property laws, however, the labors of these intellectuals would rapidly be exploited, frustrated and deprived of their rights as a result of the activities of 'pirates' i.e. copyright violators and infringers who rip off their benefits, consequently hampering the industry from experiencing fundamental financial growth and development.

Consequently, the music industry has been ravaged by piracy and intellectual property violators who neither respect national borders nor geographical boundaries. Moreover, the advent of the computer age has provided a means to overcome the technical and acoustic limitations of orthodox musical instruments; and the progressively complex technology analogous to it has made it very hard for regulatory agencies to make a substantial effect.[25]

2.1.4 Distinction between Human and AI- created works

Creativity has long been the defining trait of human artistic expression, enabling artists and designers to convey emotions, ideas and cultural narratives through visual mediums. Traditionally, creativity in art and design stems from personal experiences, imagination, and artistic intuition, resulting in unique and emotionally resonant works. Throughout history, human ingenuity has led to the evolution of various artistic styles, techniques and movements, reflecting changing societal values and technological advancements.[26]

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[24] *Joseph Rodgers & Sons Ltd. v. W.N. Rodgers and Co*. [1942] 41 R.P.C. 277 at p. 291

[25] Yanson Archana, *An Analysis on the Use of Image Design with Generative AI Technologies*, International Journal of Trend in Scientific Research and Development, [2024] 8(1), 596-599.

[26] Benson Yadav, *Generative AI in the Era of Transformers: Revolutionizing Natural Language Processing with LLMs*, (PTY Publishers, 2024) 51.

The rapid advancement of artificial intelligence (AI) has revolutionized the creative landscape, particularly in image design. This study explores the key differences and similarities between human creativity and AI-generated image design, focusing on originality, emotional depth, and artistic intent. While AI systems can generate visually appealing images by analyzing vast datasets and identifying patterns, human creativity remains distinguished by its ability to convey personal expression, cultural context, and deep emotional resonance.[27]

Human and AI-created works differ significantly in their origins and characteristics. Human art stems from individual creativity, experiences, and emotions, resulting in unique and subjective expressions. AI art, on the other hand, is generated by algorithms trained on existing data, producing outputs that, while visually similar, often lack the depth of human expression and subjective meaning.

As technology continues to advance, the coexistence of human artists and AI-driven design will redefine artistic creation. Ethical considerations, originality and authorship will remain central debates, requiring thoughtful regulation and transparency. However, instead of viewing AI as a threat to creativity, it should be seen as an evolving medium that complements human ingenuity. By leveraging AI as a creative partner, artists can unlock new possibilities, pushing the boundaries of artistic expression while maintaining the authenticity and emotional depth that define human-made art.[28]

Ultimately, the fusion of AI and human creativity will shape the next era of artistic evolution, blending technological advancements with the irreplaceable essence of human imagination.[29]

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[27] *Ibid*, (n 23) 597.
[28] Simon Russell, & Paulinus Norvig, *Artificial Intelligence: A Modern Approach* (4th edn, Pearson Publications, 2020) 11.
[29] Leonard Floridi, *The Ethics of Artificial Intelligence* (Oxford University Press 2020) 32.

Under *section 108* of the Nigerian Copyright Act 2022, only works by an individual or corporate body qualify. AI systems lacking legal personality cannot be authors. The above section defined an author as person by whom the arrangements for the making of the audiovisual work, provide otherwise by contract between themselves.[30]

The Act presupposes human authorship as a prerequisite for copyright protection.[31] Originality requiring some degree of skill, labour, and judgment is essential, and copyright protects only the expression, not ideas or facts. Consequently, copyright law safeguards the economic and moral rights of human creators, granting them control over their artistic output's use and integrity.

2.1.4 Authorship and Ownership in Copyright

The authorship and Ownership as distinct concepts under the copyright law are very important in exploiting the fruits in a work and laying claim to copyright protection. Ownership flows from authorship. The person who makes the work is normally the first owner of the copyright in the work, provided that he has not created the work in the course of employment, in which case his employer will be the first owner of copyright. The owner of the copyright in a work may decide to exploit the work by the use of one or more contractual methods. He may grant a licence to allow another person to carry out certain acts in relation to the work, such as making copies on which case he retains ownership of copyright. Alternatively, the owners may assign the copyright to another, that is transfer the ownership of the copyright to a new owner, relinquishing the economic rights under copyright law.[32]

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[30] Gibert Griffiths, *Intellectual Property* (9th edn, Sweet & Maxwell 2019) 58.

[32] CHibueze Nwabachili, *Authorship & Ownership of Copyright: A Critical Review*, Journal of Law, Policy & Globalization, [2015] 34, 256.

The author of a work is the person who creates it. The copyright in a work shall be vested initially in the author. The law stipulates that copyright in the work shall belong in the first instance to the author unless otherwise stipulated in writing under the contract of employment. From the foregoing, the author is the creator or originator of a work, for instance, the author of a work of literature is the person who writes it; the author of a piece of music is its composer; the author of a photograph is the photographer while the author of a compilation is the person who gathers or organizes the material contained within it and selects, orders and arranges that materials.[33]

In Cala Homes (South) Ltd v Alfred Mc Alphine Homes East Ltd,[34] drawings were made by draughtsman, but another person had told them what features were to be incorporated in the designs for new houses. In some cases, that information was imparted by means of sketches, in other cases, verbally. The person giving the instructions also marked up the preliminary drawings with alterations he required to be incorporated in the finished drawings.[35]

The Copyright Act states the basic rule that the author of a work is the first owner of the copyright. This will apply in a good number of cases, for example to persons creating works for their own pleasure or amusement, independent person not employed under a contract of employment and even to employed persons if the work in question has not been created in the course of their employment. However, there are some exceptions to this basic rule, and where a literary, dramatic, musical or artistic work is made by an employee in the course of his employment, his employer is the first owner of the copyright subsisting in the work subject to any agreement to the contrary.[36]

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[33] Benard Tunecore, *What are the Copyrights in Music*? available at <https://www.tunecore.com/guides/coprights-101> accessed 12th August, 2025.

[34] *Cala Homes (South) Ltd v Alfred Mc Alphine Homes East Ltd* [1995] FSR 818.

[35] Gabriel Daniel, *Agencies intensify Efforts to export Nigerian Entertainment Industry*, available at <https://nigeriansabroadlive.com/agencies> accessed on 13th August, 2025.

[36] *Ibid*, (n 32).

In *Noah v Shuba*,[37] it was held that the copyright in a work created by an employee in the course of his employment could still belong to the employee on the basis of a term implied on the ground of past practice. If the employee's name appears on the work or copies of the work, there is a presumption that the work was not made in the course of employment. If a work is a work of joint authorship, unless they are employees acting in the course of employment, the joint authors will automatically become the joint first owners of the copyright in the work. They will own the copyright as tenants in common and not as joint tenants.

This means that effectively each owner's right accruing under the copyright are separate from the others, and he can assign his rights to another without requiring the permission of the other owners, and on his death his rights will pass, as part of his estate, to his personal representatives. Where the whole or part of a copyright is assigned to two or more persons, they will hold as tenants in common, unless the agreement states otherwise.[38]

The limitation with the authorship and ownership provisions concerns the employer/ employee relationship and the meaning of 'in the course of his employment'.[39] There will be many situations where it will be obvious that the work has been made by an employee in the course of his employment, for example a sales manager who, during his normal working hours writes a report on the last quarter's sales figures for the board of directors of the company he works for. However, difficulties arise if an employee has created the work in his own time, whether or not using his employer's facilities, or if the nature of the work is not that which the employee is normally paid to create.

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[37] [1986] FHCR 308

[38] Hemen Faga, & Ngozi Ole, *Limits of Copyright Protection in Contemporary Nigeria: Re- examining the Relevance of the Nigerian Copyright Act in Today's Digital and Computer Age,* Ebony State University Law Journal, [2010] 2(1) 24.

[39] *Ibid*, (n 36) 25.

2.2 Theoretical Frameworks

2.2.1 Legal Positivism

This theory of law professes that law is as made by the sovereign or his agent. The agent in this perspective is the parliament which is primarily empowered to make laws or a delegated legislator with delegated powers to make delegated legislations or judges who in the course of deciding cases may establish case law or judicial precedents. In other words, law is law as made by the law maker and it remains the law until it is reformed by amendment or abolished. The existence of law is one thing; its merit or demerit is another. A law which eventually exists is a law, though people may dislike it.[40] John Austin believes that positive law is a command set by a political superior for a political inferior and which the inferior has to obey or suffer sanction. That law is a command made by a sovereign for an inferior and which the inferior has a duty to obey or suffer penalty. Legal positivism emphasizes that law's authority derives from its literal text. Nigeria's Copyright Act confines authorship to human persons; no allowance is made for AI.[41] Thus, positivist interpretation prohibits AI-generated works from copyright protection pending statutory reform. Similarly in the U.S., the *Thaler* court reasoned via statutory terms: the Act presumes human authorship, limited copyright duration tied to human lives, and legal capacity inherent in authorship—none of which AI possesses. In line with positivist theory, the Copyright Act 2022 along side other laws were enacted to stamp out copyright in musical industry violations, among others.

[40] John Austin, *The Province of Jurisprudence Determined* (HLA Hart Publishers, 1832), 184.
[41] Robert Okediji, *Copyright Law in an Information Age* (Edward Elgar 2018) 8.

2.2.2 Utilitarianism Theory

The utilitarian theory of law, or utility theory of law, was started by Jeremy Bentham; an English Philosopher, economist and legal theories.[42] He propounded that life is full of pain and pleasure, and that law should be used as a tool of social engineering or a means to increase human happiness and minimise pain. That law should be enacted to secure or ensure the happiness of the greatest possible number of people. The aim of law should be to maximise human happiness by securing the greatest happiness of the greatest number of people, that every person should be allowed freedom to pursue his or her happiness, advantage and actualise himself and to seek self-fulfilment without interference by the state. That all existing laws and consequently the institutions established by such laws should be reformed to secure the greatest happiness possible for the populace. Whether any law is good or bad should be decided by assessing or evaluating its utility to the individual and society. That there are four major utilities or good any and every society should seek to promote which are; security, equality, liberty and importance and that government in making laws and policies to achieve these goods or ideals, should weight the interests of individuals against that of the state, and should prefer, choose and promote the interest of the state or the interest of the majority against that of an individual. Bringing the postulations of the scholars in the utilitarian theory of law about legal implications of AI tools to the copyright in musical industry in Nigeria, it simply means that the provisions of Copyright Act 2022 should be to protect the rights accruable to owners of copyright in musical industry without such rights being violated by the advent of AI tools. Utilitarian thinkers approach copyright as a tool to maximize societal benefit by incentivizing creative labour. Extending copyright fully to AI-generated works may

[42] Ese Malemi, *The Nigerian Legal Method,* (Princeton Publishers, 2012), 52

erode incentives for human creators. However, denying any protection for works involving human-AI collaboration could discourage innovation.

2.2.3 Economic and Investment Theory

Economic and Investment Theory suggested that an increase in the share of investment would raise the level of output provided the investment was done with intent of rapid economic growth, as failure to undergo intentional investment would not produce a sustainable increase in the economic growth rate.[43]

Thus, any given rate of economic growth will be associated with a variety of levels of investment. According to John Keynes,[44] investment is expected to generate a stream of future cash flow that would transform the economy by ensuring economic sanity in all sectors.

In line with the postulation of economic and investment theorists especially John Keynes, regulating and enforcing copyright in the musical industry in Nigeria in the era of artificial intelligence, would contribute to the economic growth of the country as it will give incentives to intellectual property owners and encourage them to invent more musical works that will promote economic advancement in Nigeria.

Regulation of intellectual right in Nigeria is very necessary because of the roles, inventions and creation of the mind play in the advancement of the Nigerian economy. It is necessary because government is duty bound to protect the interests of the public through regulations and policies. In line with the fact that efforts of one should be preserved and which also points to the fact that the common interests of the members of the public should be put into consideration and protected in

[43] *Aristoc Ltd. v Rysta Ltd.* [1945] AC 68.
[44] Jeffrey Keynes, *The General Theory of Employment, Interest and Money* (Macmillan Publishers, 1936), 39.

government decisions and policies, Nigeria, laws are enacted to regulate the use, distribution and marketing of new innovative works without breach by AI tools or any other means.[45]

2.3 Review of Related Literature

Many scholars have written on intellectual property including copyright in musical works in Nigeria. These scholars have some views on the regulation and enforcement of copyright in musical industry in Nigeria.

Okediji,[46] within the music industry, AI tools like OpenAI's Jukebox, Google's Magenta, Amper Music, and Aiva can autonomously create complex and original musical pieces. This evolution challenges traditional legal frameworks by raising questions about authorship, originality, and ownership, as AI itself lacks consciousness and legal personality.

According to Oyelude,[47] copyright as a branch of intellectual property contributes immensely to the economic growth and development of many nations around the world and Nigeria is not an exception and that the legal implication of having a copyrighted musical work is to have exclusive right to use of it and revenue accruable to it, and if need be, assign the musical work to another person for use.

Olubanwo,[48] posits that IP rights are basically exclusive rights granted by statute to the proprietors thereof. These legal rights can be infringed upon when the same rights granted to the proprietors are exploited by a third party without a lawful consent and authorization. There are also protections and enforcement of IP rights under the common law.

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[45] Femi Babafemi, *Intellectual Property: The Law and Practice of Copyright, Trademarks, Patent and Industrial Designs in Nigeria*. (Justinian Books Ltd, 2007) 43.
[46] Robert Okediji, *Copyright Law in an Information Age* (Edward Elgar 2018) 29.
[47] Sunday Oyelude, *Non-Traditional Trademarks—A Jurisdictional Assessment*. (ECTA Publishers, 2020) 32.
[48] Femi Olubanwo, *Strengthening Intellectual Rights and Protection in Nigeria,* (PTY Publishers, 2007) 17.

K Njoku,[49] is of the view that copyright is one of the essential institutional mechanisms, which has helped facilitate the creation and dissemination of musical works through modern business enterprises, by providing a framework to manage the problems arising from the joint consumption and imperfect excludability of the works. It is part of the institutional framework that helps define a marketable product as well as reliable income flows (through royalties and related income).

Davies,[50] argues that there is a positive correlation between economic prosperity and protection of IP rights. Unfortunately, Nigeria, over the years, has become a target destination and transit for counterfeit and pirated music and other IP infringement owing largely to weak IP protection regime and enforcement mechanisms.

Onyiuke,[51] posits that intellectual properties, as a consequence of their intangible nature, are more susceptible to theft and illegal acquisition. Essentially, creators of musical works need some form of right and protection to prevent unauthorized persons from illegally acquiring their intellectual assets and this is frequently referred to as Intellectual Property Rights.

H Faga & N Ole,[52] are of the view that it is a truism that the greatest heritage of a nation remains the creativity of its citizens, and therefore one of the primary functions of law is to protect the ingenuity, resourcefulness and innovation of the citizenry.

To Floridi,[53] Artificial Intelligence (AI) encompasses computer systems designed to perform tasks that typically require human intelligence, including learning, reasoning, and creative problem-solving. In the realm of creativity, AI technologies utilize sophisticated algorithms, such as

[49] Kenneth Njoku, *Copyright Protection & Music Industry in Nigeria* (UNN Press, 2020) 20.
[50] Adam Davies, *Intellectual Property Law in Nigeria* (Tonia Publication, 2010) 11.
[51] Tony Onyiuke, & et al, *International Property Rights Enforcement in Nigeria* (Accendo Law Press, 2015) 14.
[52] Hemen Faga & Ngozi Ole, *Limits of Copyright Protection in Contemporary Nigeria*, EBSU Law Journal, [2010] 2(1), 23.
[53] Lordson Floridi, *The Ethics of Artificial Intelligence* (Oxford University Press 2020) 12.

machine learning and deep neural networks to generate novel outputs, including music compositions, with minimal or no direct human intervention.

The above-mentioned scholars have worked extensively on the prospects and protection of copyright in music industry in Nigeria generally, but failed to critically analyze the likely implications of the advent of Artificial Intelligence on copyright in musical industry in Nigeria. and intellectual property in general in Nigeria. This is the lacuna/gap in knowledge that this long essay sees to fill in

CHAPTER THREE

LEGAL AND INSTITUTIONAL FRAMEWORKS GOVERNING COPYRIGHT AND ARTIFICIAL INTELLIGENCE IN NIGERIA

3.1 Legal Frameworks

3.1.2 Constitution of Federal Republic of Nigeria 1999 (as amended)

Section 18(2) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), mandates the advancement of science and technology, with artificial intelligence (AI) serving as a primary area of concentration for advancement and economic expansion. In line with the constitutional provisional provision for advancement of science and technology, and in order to promote employment creation, economic progress, and government transparency, Nigeria is getting ready to set up a framework for AI research, development, application, coordination, and regulation. In order to effectively promote an AI economy, the government and its stakeholders must establish a national AI policy that includes criteria for algorithmic responsibility, data protection, the clarity of machine learning conclusions, and the defense of citizens' human rights.

Nigeria is creating an AI strategy to use AI and related technologies to further national objectives. The policy will also manage job displacement threats and promote young engagement in the AI economy while addressing local concerns such as healthcare and food security. Nigeria has developed the National Centre for AI and Robotics (NCAIR) and other institutes to encourage AI research and development, positioning it as a leader in African AI breakthroughs.[54] Additionally,

[54] Josephine Uba, Artificial Intelligence (AI) Regulation in Nigeria: Key Considerations, Recommendations, Legal Framework, And Policy Development for Artificial Intelligence (AI) In Nigeria. https://www.mondaq.com/nigeria/new-technology/1373830/artificial-intelligence-ai-regulation-in-nigeria-key-considerations-recommendations-legal-framework-and-policy-development-for-artificial-intelligence-ai-in-nigeria assessed 8th August, 2025.

the nation is home to a thriving pan-African AI ecosystem that is home to startups and private companies. Like the EU's GDPR, Nigeria's Data Protection Regulation (NDPR) offers a robust legal framework for data management, protecting enterprises engaged in international trade, guaranteeing data privacy, and adhering to global standards. A number of facets of AI use were impacted in 2020 when the National Information Technology Development Agency (NITDA) in Nigeria introduced criteria for public organizations to follow while managing sensitive information. Nigeria has now entered an era of regulations and laws pertaining to artificial intelligence. In collaboration with interested parties, Paradigm Initiative is promoting an AI policy that upholds ethics and human rights. Even in the absence of an official national AI policy, stakeholders such as NITDA and NCAIR are spearheading advancement.[55] The Nigeria Communications Commission and the Ministry of Communication and Digital Economy are two government organizations active in AI. Although AI is covered under Nigerian law, there are still concerns about how well it mitigates AI-related dangers, which has sparked debate over whether more laws are necessary.

All these are geared towards promotion of science and technology in Nigeria, and to strike a balance between the advent of Artificial Intelligence and need to respect people's intellectual rights in the musical industry.

3.1.2 Copyright Act 2022

Copyright is a legally established right granted to a creator of literary work, music, drama, art, cinematography, and in general, all works of creative minds,[56] except works retained in

[55] ITEDGENEWS, Nigeria pushes for AI regulation amidst global concerns, https://www.itedgenews.africa/nigeria-pushes-for-ai-regulation-amidst-global-concerns/ assessed 9th August, 2025.
[56] Section 2(1) of the Copyright Act, 2022.

government agencies.[57] In Nigeria, creators' rights are protected under the Nigerian Copyright Act, 2022, which grants rights of reproduction, distribution and public display to copyrighted works.[58] Under the Act, a work qualifies for protection if it is original, and fixed in a tangible form of expression.[59] This allows Nigerian creators to benefit from their intellectual property and safeguard their works from exploitation.

The Nigerian Copyright Act, 2022, like other international laws, does not address the concept of a non-human author. Instead, it is built on the foundation of originality as a product of human intellectual work. This aligns with global precedents and practice, including the U.S. Copyright Office's stance which holds that works generated solely by AI are not copyrightable unless there is a significant human contribution in its creation.[60]

However, as Nigerian artists, writers, and musicians increasingly use AI programs to aid their creative processes, this traditional human-centric assumption becomes less straightforward. If a Nigerian artist creates a work of art using DALL·E or similar AI tools, can they be considered the sole owner of the resulting work? Under current law, the programmer or user who initiates the artistic creation and provides creative input is generally regarded as the rightful copyright owner.

In Nigeria, copyright protection under the Nigerian Copyright Act, 2022 applies exclusively to works with human authorship, as the law does not currently recognize AI-generated works for copyright compliance. Aligning with global copyright standards and practice, the U.S Copyright Office has ruled that works lacking meaningful human involvement and participation are ineligible for copyright protection.[61] Despite this, AI systems are increasingly participating in creative

[57] Section 3(a)(b)(c) of the Copyright Act 2022.
[58] Sections 9-13), Copyright Act 2022
[59] Section 2(2)(b) of the Copyright Act, 2022.
[60]< https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-2-Copyrightability-Report.pdf> accessed on 18th August, 2025.
[61] https://wastedtalentinc.com/who-owns-ai-generated-art/ accessed on 18th August, 2025.

activities in Nigeria. Tech startups in Lagos, for instance are developing AI-powered content generation platforms that Nigerian artists can employ to enhance their artistic production. However, uncertainty over the ownership rights in AI works may lead to disputes between human creators and AI developers. Such legal ambiguities could hinder innovation and reduce the potential earnings for artist leveraging AI tools.

As AI technology continues to evolve, Nigeria has a crucial opportunity to amend its copyright laws to balance innovation with the protection of authorial rights. Addressing current legal deficiencies require legislative reforms, public policy adjustments, and international collaboration. *Section 20* of the Copyright Act 2022 introduces criminal sanctions for digital infringement, including unauthorized online distribution. AI tools disseminating music or lyrics without authorization may attract heavy penalties. While not mandated, registrants must likely disclose AI involvement. Nigerian law has yet to define thresholds of human involvement sufficient for registration.

The Copyright Act 2022 in Nigeria does not address the ownership and copyright protection of AI-generated works. The Act defines copyrightable subject matter as "original creations of the author's intellect," requiring human intellectual contribution. However, AI lacks human attributes and legal personality, making it unrecognized as a proprietor of copyright. This lack of regulation suggests the need for legislative reform to effectively regulate and protect intellectual property arising from AI technologies.[62]

The legal challenge of determining authorship and ownership of AI-generated works is complex and evolving, requiring a balance between human creativity, AI's role, and equitable access. As

[62] Bolu Abiodun, "AI in Nigeria has not even started crawling" (2023) available at https://techpoint.africa/2023/07/19/state-of-ai-in-nigeria/ accessed 12th August, 2025.

AI technologies advance, legal frameworks must adapt to address these issues. Consultation with a legal professional and reference to the latest statutes, case law, and regulatory developments are recommended. The discourse surrounding AI-generated intellectual property remains unresolved, highlighting the need for continued legal analysis and legislative refinement.[63]

Key solutions include amending the Copyright Act 2022 to explicitly define ownership rights for AI-generated works, establishing co-copyright protections for human-AI collaborations, and implementing block chain-based digital copyright registries to enhance transparency. Capacity building through education initiatives for artists, musicians, and legal professionals can ensure proper protection of intellectual property. Additionally, Nigeria should collaborate with international bodies like the African Regional Intellectual Property Organization (ARIPO) to align policies with global best practices and safeguard creators' rights across borders.

3.1.**3 National Information Technology Development Agency Act, 2007**

The National Information Technology Development Agency Act, 2007 (NITDA Act) was enacted as the statutory foundation for regulating and promoting IT development. Its enactment reflects Nigeria's response to the global shift towards digital economies, anchoring the institutional framework for ICT governance in the country.[64]

[63] *Ibid*, (n 60).

[64] National Information Technology Development Agency, NITDA Act (2007, Consolidated 2019) available at < https://nitda.gov.ng/wp-content/uploads/2020/11/NITDA-ACT-2007-2019-Edition1.pdf> accessed 18 September 2025.

The NITDA Act established the National Information Technology Development Agency (NITDA) to regulate and promote IT in Nigeria. Its mandates include:

- Setting standards and frameworks for digital technology (Section 6).
- Promoting indigenous IT capacity, including research and innovation.
- Supervising the National Information Technology Development Fund (NITDEF) to fund technological research.

Although the Act predates the current surge of AI, its broad regulatory powers encompass the digital infrastructures that underpin AI use. For example, AI music tools depend on data sets, algorithms, and digital signatures—all areas over which NITDA has regulatory authority.

3.2 Institutional Framework

3.2.1 National Information Technology Development Agency

The National Information Technology Development Agency (NITDA) Guidelines play a crucial role in navigating copyright issues in the age of artificial intelligence by addressing the challenges posed by AI-generated content and the use of copyrighted material in AI training. NITDA's guidelines aim to balance promoting technological advancement with the need to protect intellectual property rights and ensure ethical AI development and deployment.[65]

[65] David Ekanem; Artificial Intelligence and Copyright Protection in Nigeria, Legal Impact and Challenges. Streamsowers & Köhn, Available at https://sskohn.com/wp-content/uploads/2024/05/Artificial_Intelligence_and_Copyright_Issues_in_Nigeria_-_2024.pdf accessed 12th August, 2025

In 2022, the National Information Technology Development Agency (NITDA) initiated a consultative process to gather inputs for the formulation of the National Artificial Intelligence Policy (NAIP).[66] This initiative signifies the Government's formal recognition of the importance of Artificial Intelligence (AI) and its commitment to fostering a regulatory and developmental framework that supports AI innovation. Notwithstanding these governmental efforts, evaluations presented during Lagos Startup Week 2023 reveal that AI development in Nigeria remains at an early and underdeveloped stage. Certain experts have characterized the current state of AI as not having reached even preliminary operational phases, underscoring substantial obstacles that continue to impede the nation's ability to fully harness the benefits and opportunities presented by AI technologies.[67]

A significant challenge identified pertains to the educational framework in Nigeria. It is contended by experts that any advancement toward artificial intelligence innovation must legally begin with a comprehensive reform of the existing education system. The integration of AI and emerging technologies into education is crucial for future generations to develop AI skills. Nigeria, despite challenges, has promising AI startups like UNICCO Group, which developed the first humanoid robot.[68]

3.2.2 Nigerian Copyright Commission

The Nigerian Copyright Commission (NCC) plays a vital role in preserving copyright in the music industry, especially in the face of artificial intelligence (AI). While Nigeria's current copyright laws, primarily focus on works with human authorship, the NCC is adapting to the challenges and

[66] OECD, AI Policies in Nigeria. Available at https://oecd.ai/en/dashboards/countries/Nigeria accessed 12th August, 2025.
[67] *Ibid*, (n 63).
[68] Bolu Abiodun, "AI in Nigeria has not even started crawling" (2023) Available at <https://techpoint.africa/2023/07/19/state-of-ai-in-nigeria/>accessed 12th August, 2025.

opportunities presented by AI. This includes clarifying copyright ownership in AI-generated content, enforcing existing laws in the digital realm, and raising awareness about copyright issues in the AI era.

Section 77(1) of the Copyright Act 2023 established the Nigerian Copyright Commission and conferred on it the ability to sue and be sued in its corporate name and the power to acquire, hold or dispose any interest in property among others.[69] To ensure that copyright in Nigeria is proactively protected, section 78 of the Act confers on the commission the following functions:

(a) The commission shall be responsible for all matters relating to copyright, including administration, regulation and enforcement in Nigeria
(b) Monitor and advise the Nigerian government on the country's position in relation to bilateral and multilateral agreements between the country and other countries
(c) Carry out investigation and redress cases of copyright violation and settle copyright disputes where those disputes have not been specifically reserved for settlement under the Act
(d) Carry out enlightenment and inform the public on matters involving copyright
(e) Create and as well, maintain a register and database relating to copyright works
(f) Provide access to documents and information relating to any copyright kept or maintained by the commission
(g) Be responsible for such other matters as relate to copyright in Nigeria
(h) Exercise any other functions and duties as may be necessary for the attainment of the object of the Act

[69] Section 77(2) of Copyright Act 2022

To encourage innovations and reward immensely creative minds, the Act went further to confer some powers to the commission. These powers by virtue of section 78(2) of the Act include the following:

(a) Power to prosecute, conduct or defend before a court any charge, information, complaint or other proceedings arising under the Act
(b) Power to levy such charges or fees as may be reasonable for services and facilities provided by the commission
(c) Regulate and implement measures to promote protection of copyright
(d) Regulate the conduct of collective management of rights, and
(e) Power to exercise such other powers as are incidental to any of its objects under the Act.

The NCC is actively researching and developing strategies to address specific challenges related to AI-generated content, such as determining authorship and ownership rights in AI-assisted creations.

3.2.3 Musical Copyright Society of Nigeria

Like a standard collecting society in Nigeria, the Musical Copyright Society Nigeria (MCSN) is an incorporated association limited by guarantee which consist of authors, composers, arrangers and music publishers. Prior to its establishment in 1984, the Performing Rights Society (PRS) and the Mechanical Copyright Protection Society (MCPS) of the United Kingdom were responsible for the collection and distribution of performing and mechanical rights in musical works belonging to composers and authors in Nigeria.[70]

[70] Franklin Okeke and Titilade Adelekun Illesanmi, *COSON v MCSN: Let the Music Pay Who Exactly*, <https://www.mondaq.com/nigeria/copyright/945920/coson-v-mcsn-let-the-music-pay- who-exactly> accessed 12th August, 2025.

Upon its establishment, a lot of music creators transferred membership to them. To represent its members, MCSN requires members to assign or stipulate in a contract the extent to the rights that need representation. It is solely on this assigned or licensed right that MCSN represents the copyrighted works. As it stands, the MCSN is the only approved collecting society for the Nigerian music industry.[71]

3.2.4 Court

By section 72(1) of the Copyright Act 2022, a violation of copyright shall be actionable as a breach of statutory obligation under the Act and the person having the right shall be entitled to damages, injunction and account of profits or conversion.

In Nigeria, the court system plays a vital role in copyright protection by adjudicating disputes and providing remedies for infringement. The Federal High Court has exclusive jurisdiction over copyright matters, including both civil and criminal actions. The courts are empowered to grant various reliefs, including injunctions, damages, accounts, and seizure of infringing materials.

In Nigeria, Section 17(2) (e) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) makes provision for the independence, impartiality and integrity of the Courts of law and easy accessibility thereto, while Section 6(1) of the same Constitution provides for the establishment of Courts for the Federation as well as for the Federating units.

The Nigerian Court has as its role to uphold the principles of rule of law and equality before the law. Equal opportunities are available to litigants for the presentation of their cases. Nigeria practices an adversarial system, where two advocates present the litigants' case or position before an impartial judge or judges, based on applicable laws, the rules of evidence and court procedural

[71] Ivory Ukonu, *Nigerian Music Industry in Limbo as COSON, MCSN Battle Over CMO Rights*, <https://thewillnigeria.com/news/nigerian-music-industry-in-limbo-as-coson- mcsn-battle-over-cmo-rights/#> accessed 11th August, 2025

laws. The judges determine the truth by placing the evidence on imaginary scales. Nigerian laws ensure free and easy access to courts. A person is empowered by law to approach the courts for the determination of his civil rights and obligations, including any question or determination by or against any government or authority. Such persons are entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.[72] A party who elects to approach the court must observe all the rules of commencement of legal proceedings.

No Nigerian court has yet ruled on AI-generated works. However, two precedents elucidate the originality standard; In *Ifeanyi Okoyo v. Prompt & Quality Services*,[73] the Supreme Court held that a work must demonstrate independent intellectual effort to be original. Similarly, in *Yeni Anikulapo-Kuti v. Iseli*,[74] emphasized that special skill and labour are necessary for authorship. These cases, while not AI-specific, supply analytic tools for future adjudication involving AI-assisted music or lyrics.

[72] Section 36 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).
[73] [2007] LPELR 117-135
[74] [2003] LPELR 53-73.

CHAPTER FOUR

LEGAL IMPLICATIONS OF AI ON MUSIC AND COPYYRIGHT LAWS

4.1 AI as Creator: Ownership, Authorship and Moral rights

In most jurisdictions, AI-generated content faces challenges regarding copyright ownership and authorship, as current laws primarily focus on human creators. While AI can create works, the lack of legal personhood for AI and the requirement of human authorship in many copyright laws lead to uncertainty about who owns the copyright and who can be considered the author. This often results in the user or the entity controlling the AI being considered the owner of the generated content, but this area of law is still developing.[75]

Imagine a future where Artificial Intelligence (AI) generates works that rival human creativity. That future is here. Copyright law has long been the cornerstone of intellectual property protection, safeguarding the creative endeavors of human authors and innovators. As a property right, copyright grants exclusive ownership and control over original works, incentivizing artistic and literary expression. However, the rapid emergence of AI generated works has raised fundamental questions about the nature of authorship and ownership in the digital age. The increasing sophistication of AI algorithms has enabled machines to create complex, original works that rival those produced by humans.[76]

[75] Mackenzie Caldwell, *What is an "Author"? Copyright Ownership of AI Art Through Philosophical Lense* (ATY Publisher, 2023) 4.

[76] https://www.olaniwunajayi.net/blog/wp-content/uploads/2025/06/AI-Generated-Works-and-Copyrigh accessed on 19th August, 2025.

Authorship and ownership of copyright often confused to mean the same thing are two distinct concepts in relation to copyright. The author having moral rights,[77] may not necessarily be the owner who has economic rights. The author can however be the owner. It is therefore important to define authorship and ownership. An author is the creator or originator of a work. For instance, the author of a work of literature is the person who writes it, while the author of a photograph is the photographer. It should be noted that the law also recognizes an "author" to include a person's heir and successors in title.[78] In Nigeria, the Copyright Act of 2022 provides a more detailed definition of an author. According to the Act,[79] the following individuals are considered authors of their respective works: (a) Audiovisual work, (b) Collective work, (c) Sound recording, (d) broadcast and (e) photography.

The Act also recognizes joint authorship, where two or more authors collaborate to produce a work, and their contributions are merged into an inseparable whole.[80]

Ownership: Ownership on the other hand refers to the legal rights and interests in a work, including the right to possession, control and transfer. It flows from authorship as generally the author of a work is usually the first owner. However, in some instances, the case is different. This is addressed in *sections 28 and 29* of the Copyright Act. According to these provisions, the initial owner of copyright is typically the author, unless otherwise specified in an agreement. However, if a work is created under a contract for services or in the course of employment by a government, a ministry, department or agency of a government or a prescribed international or inter-governmental organization, the copyright vests in the employer as long as there is no agreement to the contrary.

[77] Section 14 of the Copyright Act, 2022.
[78] Section 17(5) of the Copyright Act, 2022.
[79] *Ibid*, section 108.
[80] Section 5 of the Copyright Act, 2022

Also, in cases where a private individual commissions a work, such as a photograph or portrait, the commissioner has a non-exclusive license to use the work for personal, non-commercial purposes, as well as the right to control the work's publication and distribution.[81] For collective works, ownership of the copyright vests in the person who initiated or directed the project. Meanwhile, the individual authors of works incorporated into the collective work retain the right to exploit their own works independently.[82]

Proponents of AI authorship argue that the creative contribution of the AI is sufficient to establish authorship. However, this argument is flawed. Unlike in many jurisdictions where their copyright laws expressly require human authorship, the prevalent law in Nigeria in defining and referencing authorship makes continuous and specific reference to 'a person' or a "corporate entity'.[83]

The question then arises as to whether an AI qualifies as a person, either natural (human) or artificial (corporate entity). The answer is unequivocally no. Since an AI is not a person, it is incapable of bearing rights or duties and copyright is a right,[84] thus recognizing an AI as an author would be inconsistent with the fundamental principles of law. Nigerian jurisprudence has not entertained any case on this subject; thus, reference would be made to decisions of foreign courts. In *Naruto v. Slater*,[85] the United States court held that a monkey who took a selfie was unable to hold a copyrighting the photograph as the monkey is not human. An AI being a tool is neither a natural person nor a corporate entity, and therefore cannot be considered an author or beneficiary of proprietary rights under the Nigerian copyright law.

[81] *Ibid*, Section 28
[82] *Ibid*, Section 29.
[83] See sections 5 and 42 (d) and (e) of the Copyright Act, 2022
[84] *Ibid*, Section 9.
[85] No. 16-15469, 9th Cir. [2018]

Those who attribute authorship to AI developers argue that they infuse control and creativity into the AI system by designing its functionality and controlling its inputs.[86] They further contend that if developers are liable for copyright infringement, they should also enjoy the benefits of authorship. However, this perspective overlooks the fact that developers already receive legal protections through copyright law, which covers the AI software itself. Granting developers copyright protection over the works created with their AI will amount to granting them double benefits.[87] While developers may be seen as the creative forces behind the AI, this does not equate to authorship of the AI-generated work, as they acted solely as the creator of the creative tool. Moreover, since they aren't involved in the creation of the work itself, attributing authorship to them contradicts the fundamental principle that authorship requires the expenditure of effort to impart an original character to the work.[88]

This notion is analogous to suggesting that a camera manufacturer owns or is the author of photographs taken with their equipment. This is clearly absurd and inconsistent with copyright laws. Similarly, when a commission is paid for the use of an AI tool, it is comparable to buying or renting a camera for photographic purposes. The United States Copyright Office (USCO) has established guidelines that reflect this understanding. Applicants are required to disclose the use of AI tools in generating their works and provide an explanation of the human author's contribution. More importantly though, the USCO prohibits listing AI technologies or their providers as authors or co-authors solely based on their role in creating the work.[89] Ultimately, AI systems are merely tools, akin to cameras or paintbrushes. Just as the manufacturers of these tools

[86] Mackenzie Caldwell, *What is an "Author"? Copyright Ownership of AI Art Through Philosophical Lense* (ATY Publisher, 2023) 3.
[87] *Ibid*, (n 83).
[88] Section 2(2) of the Copyright Act, 2022.
[89] USCO, "Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence", available at: < https://copyright.gov/ai/ai-policy-guidance.pdf> accessed 19 August, 2025.

are not considered authors of the works created with them, AI developers should not be regarded as authors of AI-generated works.[90]

The use of vast quantities of pre-existing human-authored works by AI systems to create new works raises important questions about authorship and copyright. While copyright protects the expression of an idea, not the idea itself, AI-generated works often build upon existing creations. However, this does not necessarily mean that the owners of the sourced works can claim authorship. In fact, the owners of sourced works cannot claim authorship, except potentially as collective works,[91] since AI systems cannot be considered legal authors.

Furthermore, AI-generated works often transform the sourced materials in significant ways, by drawing inferences, thus creating a new and original work. This transformative use could be seen as sufficient to establish a new copyright, separate from the sourced works. Additionally, creators of sourced works are not directly involved in the creation of the AI-generated work. They do not contribute to the AI's decision-making process or exercise control over the final output.

This lack of involvement and control is significant, especially when contrasted with the requirement under *Section 2(2)* of the Act that authors must expend effort and skill in creating a work. Moreover, the ownership of collective works, as stipulated under *Section 29(1)* of the Copyright Act, vests in the person on whose initiative or direction the work was created. In the case of AI-generated works, this would not apply to the creators of the sourced works, as they did not initiate or direct the creation of the AI-generated work. Nevertheless, the owners of sourced works do retain copyright in their original works. Consequently, if an AI system fails to reference or acknowledge the sourced works, the original creators may have a successful claim for copyright

[90] *Ibid*, (n 86).
[91] Mackenzie Caldwell, *What is an "Author? Copyright Ownership of AI Art Through Philosophical Lense*, (ATY Publishers, 2023) 13.

infringement or plagiarism. In such cases, they may have the right to bring an action for infringement.

AI systems are not considered persons, thus works generated solely by them are ineligible for copyright protection. Similarly, works created with minimal effort or originality are also not copyrightable. When a person provides direction or guidance to an AI system, they become the most plausible claimant to authorship of the resulting work. Nevertheless, if the user fails to meet the necessary requirements, the work will be ineligible for copyright and, consequently, unregistrable. The implications of a work being unregistrable are significant, as the work automatically enters the public domain. As Caldwell Mackenzie aptly stated, "Authorship is inherently creative and to exclude the creativity of a person from the authorship of a work is to exclude the author from the work, thereby undermining the idea of copyright.[92]

In the absence of sufficient effort to demonstrate originality, the author is deemed not to be part of the work, rendering it non-copyrightable. This principle is exemplified in the *Re Zarya's* case,[93] where the court held that insufficient effort expended to show originality rendered the work unregistrable. Similarly, in the Nigerian context, works lacking sufficient effort to reflect originality will not be eligible for registration.

The intersection of AI and copyright law raises complex questions about authorship and ownership. While AI-generated works challenge traditional notions of creativity and originality, the Nigerian Copyright Act though not directly or substantially provides a framework for evaluating these issues. Based on the analysis, it appears that in Nigeria, the user, rather than the

[92] *Ibid*, (n 88) 15.
[93] 22 U.S SC [2024].

AI or its developer or those whose works are sourced, is the most plausible claimant to authorship of AI-generated works, provided they expend sufficient effort to impart originality to the work. Whoever authors the work is the first owner unless ownership rights are transferred, and they enjoy the benefits of such rights including the moral and economic benefits, thus, emphasizing the importance of clarifying authorship and ownership rights. However, the jurisprudence on this topic remains largely unsettled, and the inadequacy of laws on AI-generated works creates uncertainty. For example, a critical question like "what metric would be used to determine sufficient effort which reflects originality?" remains unanswered. As the use of AI in creative endeavors continues to grow, it is essential to clarify the rights and responsibilities of stakeholders involved. Ultimately, the courts and lawmakers must provide guidance on these issues to ensure that copyright law remains relevant and effective in the age of machine creativity.

4.2 Infringement and Liability in AI Generated Works

In recent years, the field of Artificial Intelligence (AI) has witnessed remarkable advancements, particularly in the domains of deep learning, large-scale language models, and content generation. These breakthroughs have greatly enhanced the capacity of machines to simulate and accomplish human cognitive tasks. Based on this capability, AI can be broadly categorized into three types: narrow or weak AI, general or strong AI, and artificial super intelligence or super AI.[94]

Generative AI is a cutting-edge technology that involves training very large models with vast amounts of data. The key to this pre-training phase lies in the scale and quality of the data used. During pre-training, the model learns basic semantic and syntactic knowledge by analyzing a large corpus of unlabeled data. This corpus typically consists of text, images, or videos collected from

[94] Rose Fjelland, Why General Artificial Intelligence will not be realized, *Journal of Humanities and Social Sciences Communications*, [2000] 7(1), 1-9.

the Internet. High-quality data is crucial for creating accurate language models, resulting in more natural and believable text. Consequently, it is common for this corpus to encompass copyrighted works, offering diverse and representative content for the model to glean from.[95]

When generative AI uses prior works for pre-training and infringes the right of reproduction and adaptation of earlier works, it signifies that the AI system utilizes existing works as a foundation for generating new content without obtaining the consent of the original creators. This behavior directly violates the rights of the original creators who hold the copyright to those works. Consequently, generative AI service providers who knowingly engage in this practice can be held liable for engaging in direct copyright infringement.[96]

It's important to note that generative AI service providers have the autonomy to make independent decisions regarding whether or not to infringe on others' works. They are not obligated or compelled to use copyrighted materials in their pre-training process, which means it is a conscious choice that they make. Furthermore, these service providers possess the necessary technical capabilities to avoid copyright infringement. They have access to various tools and algorithms that can scan and analyze the collected data to identify any unauthorized works that may be present and eliminate or filter them out. After gathering the data, generative AI service providers typically go through a meticulous cleaning process. This involves the removal of any duplicate, noisy, or irrelevant data to ensure the accuracy and quality of the training data. During this step, automated tools and algorithms play a crucial role in detecting any copyrighted materials that should not be included in the pre-training process. Through the deployment of these automated filters, service

[95] *Ibid*, (n 91) 8.
[96] Liming Wang, *New Challenges to Civil Jurisprudence in the Age of Artificial Intelligence*, (Eastern Jurisprudence Press, 2018) 3.

providers have the means to warrant that the pre-training data they employ does not incorporate any resources that would infringe upon copyright.[97]

Copyright law, aligning with the traditional copyright tradition, primarily safeguards the "external expression" of ideas rather than the ideas themselves. This means that while the AI- generated content may draw inspiration from the corpus, it does not infringe on the copyright of the original work as long as it does not reproduce its external expression verbatim.[98]

However, if the AI-generated content bears significant resemblance to a prior work, it may be considered copyright infringement according to the "contact + substantial similarity" rule. This rule requires that there is both direct contact with the copyrighted work and a substantial similarity between the generated content and the earlier work. In cases where the copyright holder struggles to prove direct contact with their work, the presence of obvious similarities between the generated content and the earlier work can indicate unauthorized access and utilization of the work. These similarities may include shared characteristics, themes, plot structures, or even specific phrasings that are distinctive to the prior work. The style and manner in which the content is presented can also play a role in establishing the absence of originality and unauthorized usage.[99]

4.3 Fair Use, Sampling and Machine Learning Datasets

Fair use and sampling can apply to the creation of machine learning datasets, but the specifics are complex and depend on the context. While training machine learning models often involves ingesting large amounts of data, including copyrighted material, fair use may apply in certain situations. The use of copyrighted material for training machine learning models is generally

[97] Lixian Cong, *Copyright Risks and Governance of Content generated by Chatbots*, (China Publishing, 2023)16.
[98] *Ibid*, (n 93) 4.
[99] Aloysius Ali, Analysis of Copyright Law for Machine Learning Works - Non-Work Use, Fair Use and Infringement Use, *Journal of Intellectual Property Law*, [2020] 6, 60-70

permitted under existing copyright doctrines, but specific situations, such as using datasets to compete with the original author, may not be covered.[100]

Imperatively, there would be a beaten path to the maker of software that could reliably state whether a use of a copyrighted work was protected as fair use. From the copyright holder's point of view, a novelist who sees her work copied into fan fiction (with advertising), a photographer whose work is picked up without permission by major sites, and a music company that sees its songs posted on YouTube might likewise wonder if fair use applied. In the most likely application, sites that host user content, like YouTube or Twitter, could use such a fair use daemon to help deal with the multitude of postings each day.[101]

Fair use determinations must consider four broad factors, in light of a vast amount of case law which has flowed in various directions over time. Today's software could not replicate the process that an experienced lawyer would use to assess a case.[102]

But it's well worth exploring how one might try to use machine learning on fair use. First, the exercise of looking at how specific machine learning algorithms might be used in fair use analysis can show which sorts of algorithms might ultimately be best suited to the task. Second, analyzing how machine learning might fit fair use analysis can be a useful way of studying fair use analysis itself works in actuality.

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[100] *Ibid* (n 96) 67.

[101] Johnny Burges, *Machine Learning in Handwriting*, available at: http://yann.lecun.com/exdb/mnist accessed on 20th August, 2025.

[102] Chris Olah, *This Software can mimic Handwriting by Using a Neural Network and your Writing Samples*, available at: http://distill.pub/2016/handwriting accessed on 20th August, 2025.

Third, software will likely be used anyway to, in effect, make fair use determinations. We can see that by comparison with the related issue, assessment of whether material potentially infringes copyright (if it does, the next question may be, is the use protected as fair use).[103]

As with fair use, today's software is not ready to make the initial, subtle determination of whether a copyright has been infringed. That requires considering whether original expressive material has been copied (or adapted, distributed, performed, or displayed). For example, to see if a song posted on YouTube potentially infringes (i.e. without even considering whether the post is fair use), one would have to identify original elements in the copyrighted work that were copied into the accused copy, and then filter out any non-protected elements that were copied, such as non- original elements copied for still other works, or non-protected ideas (ideas may be copied without infringing copyright). Notable recent music copyright cases such as the Blurred Lines case shows how difficult that assessment can be.[104]

Assessment of potential infringement is a subtle analysis. Nevertheless, in effect, most copyright infringement analysis today is done automatically by software. Copyright holders use software to crawl the web, search for copies of their works, and generate take-down notices – thereby making implicit infringement determinations, but bluntly without actually considering such questions as originality or the non-protection of ideas, let alone fair use. This brute force approach may be accurate in the majority of cases – but harsh in some. Applying machine learning to fair use faces considerable hurdles. Fair use has generated hundreds of reported cases, but machine learning works best with examples in greater numbers.

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[103] *Ibid*, (n 98).

[104] Mohammad Norouzi *et al*., *Google's Neural Machine Translation System: Bridging the Gap between Human and Machine Translation*, <https//arxiv.org/pdf/1609.08144v1.pdf accessed on 20th August, 2025.

4.4 Application of Legal Marxism; Commodification of Creativity, Alienation of Artistic Labor and Big Tech vs. Grassroots' Creators

Marxist theory, particularly the concept of alienation, provides a framework for analyzing the impact of commodification and Big Tech on creative labor. It highlights how capitalist systems can lead to the separation of artists from their work, the products of their labor, and even their own creative potential, while also examining the power dynamics between large corporations and individual creators.[105]

Commodification of Creativity: Marxist theory critiques the commodification of art, where creative works are treated as commodities to be bought and sold in the market. This can lead to a focus on marketability over artistic value, potentially stifling creativity and innovation.

Alienation of Artistic Labor: Marxist theory of alienation describes how workers in capitalist systems can become estranged from their work, the products of their labor, and their own human nature. In the context of creative labor, this can manifest as artists feeling disconnected from their work due to the pressures of commercialization and the need to cater to market demands.

Big Tech vs. Grassroots Creators: The rise of Big Tech platforms has transformed the landscape of creative industries, creating both opportunities and challenges for grassroots creators. While these platforms can offer wider reach and exposure, they also concentrate power in the hands of a few large corporations, potentially marginalizing smaller creators and leading to further commodification.[106]

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[105] Baron Solum, *Artificially Intelligent Law*, Available at: https://ssrn.com/abstract=3337696 accessed on 20th August, 2025.

[106] Rebecca Williams, *Rethinking Deference for Algorithmic Decision- Making*, Available at: http://dx.doi.org/10.2139/ssrn.3242482. Accessed on 20th August, 2025.

Marxist Analysis: Marxist analysis can help to understand the power dynamics at play in this context. It can be used to: (a) Analyze the ownership of intellectual property and its impact on creators. (b) Examine the exploitation of creative labor through platform algorithms and revenue sharing models. (c) Explore the potential for collective action and resistance among creators to challenge the dominance of Big Tech.[107]

Potential for Legal Frameworks: Marxist theory can also inform the development of legal frameworks that aim to protect creative labor and promote fairer distribution of value in the creative industries. This could involve: (a) Strengthening copyright laws to ensure creators retain control over their work. (b) Developing regulations to address the power imbalances between Big Tech platforms and creators. (c) Exploring alternative models of ownership and distribution that prioritize the needs of creators and communities.[108]

By applying Marxist analysis, it's possible to critically examine the impact of commodification and Big Tech on creative labor and to explore potential pathways towards a more equitable and sustainable creative ecosystem.

4.5 Implications for African and Nigerian Artists

AI presents both opportunities and challenges for African and Nigerian artists. While AI tools can enhance creativity, expand reach, and potentially democratize music production, there are also concerns about copyright, job displacement, and the potential for bias in AI algorithms, and these are discussed briefly thus:

[107] Yane Bengio, *Joint Learning of Words and Meaning Representations for Open-Text Semantic*, (ATY Publishers, 2012) 13.
[108] *Ibid*, (n 104)

Copyright and Intellectual Property: AI-generated content raises complex questions about authorship, ownership, and copyright, particularly when AI is used to create derivative works. This is because by virtue of *section 2* of the Copyright Act 2022, originality among others is the basis of copyrightability and for the author to enjoy the benefits accruable from his or her efforts.

Job Displacement: AI-powered tools could automate some creative tasks, potentially impacting the livelihoods of artists and other creative professionals.

Ethical Concerns and Bias: AI algorithms can reflect and perpetuate existing biases, which could lead to unfair or discriminatory outcomes for certain artists or communities.

Dependence on Technology: Over-reliance on AI tools could stifle creativity and originality, as artists may become overly dependent on technology and lose their unique artistic voice

The hallmark or objectives of the Copyright Act, among other intellectual property laws is to do the following:

(a) Protect the rights of authors to ensure just rewards and recognition for their intellectual efforts.
(b) Provide appropriate limitations and exceptions to guarantee access to creative works
(c) Facilitate Nigeria's compliance with obligations arising from relevant international copyright treaties and conventions
(d) Enhance the capacity of the Nigerian Copyright Commission for effective regulation, administration and enforcement of the provisions of the Act.[109]

[109] See section 1 of the Copyright Act 2022.

All these objectives are geared towards ensuring that inventors and owners of works duly copyrighted are allowed to enjoy the benefits accruing from the efforts without infringement in this era of artificial intelligence.

4.6 Issues of Equity, Access and Justice in Ai Copyright

Issues of equity, access, and justice in AI copyright stem from the reliance of AI systems on vast amounts of copyrighted data, which creators often provide without compensation, and the potential for AI-generated works to replicate biases present in this data, leading to discriminatory outcomes. Legal frameworks struggle to assign authorship to AI-generated works, creating a gap in ownership and control. Addressing these issues requires developing new compensation models for creators, ensuring transparency in AI training data, establishing new IP categories for AI-assisted works and mitigating algorithmic bias to foster a fair and equitable creative economy.[110]

Artificial intelligence (AI) has helped determine vaccine recipients, prioritize emergency room admissions, and ascertain individual hires, sometimes doing so inequitably. As we emerge from the Pandemic, technological progress and efficiency demands continue to press all areas of the law, including intellectual property (IP) law, toward incorporating more AI into legal practice. This may be good when AI promotes economic and social justice in the IP system. However, AI may amplify inequity as biased developers create biased algorithms with biased inputs or rely on biased proxies.[111]

AI is a technology of fundamental societal importance. It offers a cost efficient, effective, impartial tool to make the IP system more accessible to marginalized groups while being able to correct errors faster than human-driven justice systems. At the same time, we need to be aware of bugs in

[110] Alicia Solow-Niederman, *Developing Artificially Intelligent Justice*, (ATY Publishers, 2019) 34.
[111] Daryl Lim, *AI & IP: Innovation & Creativity in an Age of Accelerated Change*, (Sweet & Maxwell, 2018) 76.

the system that cause algorithmic failure, data bias, and implementation flaws. Some important biases exist within the patent and copyright laws because women and racial minorities are underrepresented in the IP system. [112]

Others stem from trade secrets and copyright laws that impede access to auditing and correcting biased algorithms and training data. Sometimes the solution to biased data is more data. At other times, less data or better data may be a more appropriate response. As we incorporate equity into AI systems, we are, in a sense, building the car while we drive it. Equity by design embeds human oversight at key points in the AI system that require discretion to minimize algorithmic bias while maximizing its productive benefits. Equity audits help identify mistakes and improve accuracy, including anomalies that machine "intelligence" misses. When algorithms and regulatory processes are responsibly designed, they can avoid amplified systemic discrimination and unethical applications. Maximizing AI allows judges to focus on difficult cases, using the equitable judgment their comparative advantage as humans provides them to work in tandem with AI and improve outcomes for everyone in the IP justice system.[113]

[112] Albert Daniels, *Emerging Technologies in Music Industry*, (Unilag Press, 2023) 12.
[113] *Ibid*, (n 109) 13.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECCOMENDATIONS

5.1 Summary of Findings

AI-generated work may be categorized into two categories. First, the work produced by AI is derived from input. In this instance, the programmer or human providing the command and using their creative and innovative thoughts that generate an output; for this reason, the authorship and ownership may be attributed to the human providing the AI with novel input. Second, when AI generates a work without human input, the developer of the programme that created the AI—that is, the person who possesses copyright over the AI software will receive both authorship and ownership of the work. Despite from ownership issues there are many more issues which arise because of the lack of legislation for the concerned issue such as fair use, and the boundaries of creativity come into play when AI-generated music is assessed for its similarity to existing human-created works.

In Nigeria, the current Copyright Act 2022 and other intellectual property laws in general, are not capable enough to deal with the issues of ownership of intangible assets created by artificial intelligence. Ownership issues under intellectual property mainly deals with issues related to data ownership, data privacy, ethical consideration, algorithm ownership. The ownership related issues of music is a complex and wide topic. Who owns the final created music becomes a major problem. Although artificial intelligence creates music by its own it is difficult to signify that who is the real owner the organization utilizing it or the programmer.

Artificial intelligence will lead to great concern in the future. it will continue to affect the music industry as well as it would be a great challenge to the existing legal frameworks, as the use of artificial intelligence would become a prominent part for the music composers.

While AI is advancing and offering valuable support to artists in honing their skills, it introduces potential challenges to the music industry.

5.2 Recommendations

Drawing from the comprehensive analysis of the legal implications of artificial intelligence in music and copyright laws, the intricacies of its current regulatory framework under the Nigerian Copyright Act 2022, and the persistent multi-faceted challenges identified in this study, this section proposes a set of actionable recommendations. These recommendations are formulated to guide policymakers, regulators, operators, and stakeholders towards tangible improvements, addressing the critical lacunae observed between regulatory intent and practical outcomes in the quest for a stable, efficient, and general protection of copyright in Nigeria.

The following recommendations are expedient:

(a) There should be robust legal and regulatory frameworks in intellectual property rights in Nigeria, as they are essential to guide copyright implementation and maximize its potential, focusing on accountability, human-centered values, data privacy, transparency, and other critical considerations in the era of artificial intelligence.

(b) It is recommended that Nigeria should implement legal reforms to define AI-assisted authorship, establish clear rules for AI training data usage, and mandate transparency in AI systems. Technology solutions like block chain and digital watermarking can enhance tracking, while increased global cooperation and capacity building for artists.

(c) Enforcement should be strengthened to hold digital service providers accountable by requiring them to remove infringing AI-generated content upon receiving a notice from the copyright owner, and introduce clear penalties for developing AI to pirate copyrighted works.

(d) Mandate transparency for AI training datasets, requiring disclosure of copyrighted sources and establishing licensing or compensation mechanisms for their use.

(e) Government should support local artists and musicians in creating and distributing their music, which strengthens the industry and reduces reliance on foreign content that might be used to train infringing AI systems.

5.3 Contributions to Knowledge

This research makes several contribution to the existing body of knowledge and emerging technologies. Firstly, it bridges the gap between traditional copyright law and the novel challenges posed by Artificial Intelligence (AI) in music creation particularly in the Nigerian context where scholarly discourse remains limited.

Secondly, this study contributes to theoretical development by applying Legal Marxism as an analytical framework to interrogate the socio economic implications of AI in the creative industry, and in doing so, expands the scope of Intellectual Property scholarship beyond a purely doctrinal examination, linking copyright protection to question of labor, ownership and capital in an AI driven era.

Finally, the work contributes practical recommendations towards law reform, suggesting interpretative and policy directions that may better balance the interests of human creators, AI

developers and society at large. Thus, this essay not only consolidates existing literature but also advances discourse in an underexplored field at the intersection of technology, creativity and law.

5.4 Areas for Further Studies

Given the rapid evolution of AI technologies and the dynamic nature of copyright law, several avenues remain open for further research:

a. Comparative studies on AI and its legal implications in music creation and copyright laws across more jurisdictions.
b. AI liability and Enforcement mechanisms.
c. Moral rights and human creativity in Ai works.
d. Economic effects on royalties and collective management.
e. Interdisciplinary approaches combing law, music and technology.
f. Ongoing legislative reforms in Nigeria and their global alignment.

5.5 Conclusion

The incorporation of Artificial Intelligence (AI) into the music industry has ushered in a myriad of both favorable and unfavorable consequences. On one side Artificial intelligence has instigated a transformation in the creation, consumption, and discovery of music. It has provided artists with new realms of creative exploration, equipped music producers with advanced tools, and elevated the overall music listening experience for aficionados. Nevertheless, in conjunction with these constructive aspects, there are also adverse implications that warrant attention. One major apprehension pertains to the potential erosion of human creativity and authenticity.

While AI-generated music can be impressive, it lacks the profound emotional depth and personal experiences that human musicians infuse into their compositions. The risk of standardization and

an overabundance of indistinguishable AI-generated tracks could result in a decline in the distinctiveness and variety of musical expression.

The advancements in computing are reaching a point where distinguishing between works created by humans and those generated by machines will become increasingly challenging. Hence, it becomes our responsibility to determine the extent of protection we should afford to AI- generated works, even when they involve minimal or no human intervention.

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