

# REQUEST FOR EXPRESSION OF INTEREST

## *Diagnostic Study on the governance of the collective management of copyright in Nigeria*

Country: NIGERIA

CONSULTING SERVICES

### **Context**

Copyright protection in Nigeria was first introduced into Nigeria in 1912 with the extension of the English Copyright Act 1911 to the respective territories. The 1970 Copyright Act replaced the English Act. The Act is a comprehensive legal framework for the protection, administration and enforcement of copyright and neighbouring rights in Nigeria. On the collective management of copyright, the provisions of the Act are supplemented by the Copyright (Collective Management) Regulations, 2006 (the CMO Regulations) which contains detailed provisions on the establishment, governance and supervision of collective management organisations (CMOs). While the sector has a strong and transparent legislative framework that should engender good governance, transparency and accountability, there is a general perception that the provisions are not well enforced and that right owners in Nigeria are not adequately remunerated through the collective management system. This would have negative impact on the economic fortunes of authors and serve as a disincentive to creativity.

**Nigerian Copyright Commission (NCC)** is the agency of Government established under the Copyright Act and entrusted with responsibility for all copyright matters in Nigeria, including the promotion, protection, administration, regulation and enforcement of copyright. The Commission is responsible for the approval and supervision of collective management operations. So far four (4) CMOs have been approved for different categories of works: (1) Musical Copyright Society of Nigeria (MCSN); (2) Copyright Society of Nigeria (COSON); (3) Audiovisual Rights Society (AVRS); and (4) Reproduction Rights Society of Nigeria (REPRONIG). MCSN and COSON are for music while AVRS is for audiovisual works and REPRONIG is for literary works. Every CMO is required to fulfill the conditions stipulated under the Copyright Act and also comply with the provisions of the CMO Regulations.

**Agence Française de Développement (AFD)** is the French bilateral donor agency, which gives support to development projects that encourage economic growth and foster sustainable development in urban and rural areas, particularly in sectors such as Urban water, Power, Urban development, Agriculture, SMEs and Governance. The agency has been active in Nigeria for 11 years, founding projects for a total amount of 2 billion USD in the country. AFD is expanding its activities in cultural and creative sectors, to provide social and economic development, through 4 pillars: infrastructure, entrepreneurship, capacity building and governance. NCC and AFD are currently exploring a collaboration to strengthen copyright protection in Nigeria.

### **Scope of the request for expressions of interest**

Nigerian Copyright Commission (NCC) and Agence Française de Development (AFD) are exploring a collaboration to strengthen the collective management scheme of copyright in Nigeria. A first step to this collaboration shall to the release of diagnostic study of the operations and governance of collective management of copyright in Nigeria.

The Consultant in charge of the study will be expected to:

- identify operational gaps and deviations from the statutory and regulatory framework on one hand
- identify elements of dysfunctions and/or underperformance in the management of CMOs and their relationships with the NCC and right owners;

- analyze the organizational structure and activities of the CMOs and their relevance to the attainment of their overall objectives;
- analyze the effectiveness of any available safeguards for good governance, supervision and control;
- verify the revenue accruing to CMOs, the tariff structures, royalty collection and payment of royalties due to right owners;
- Identify structural, policy and legislative gaps that should be addressed to ensure a more efficient system that guarantees the protection of rights, efficient collection and distribution of royalties and a transparent and rewarding collective management system.

The duration of the consultant's mission is expected to be 3 months, from October 2019 to December 2019. This call for expressions of interest is intended for national consultant firm (leading firm) allowed to partner with other international or national consultant firm(s) or service providers.

NCC and AFD now invite eligible consulting firms to submit their expression of interest (EOI) in providing the services. The EOI of the consultants must include, among the others, the following information: (i) general introduction about the leading firm and the potential partners and their main professions; (ii) summary of qualified capacities and relevant experiences of the firms; (iii) list and description of similar projects/ assignments implemented by the firm and its partnering firms; (iv) the audited financial report of the most recent year of the firms; and (v) quality control procedures and processes. The EOI must contain a maximum of 10 pages.

Firms that have previously provided legal representation for any of the CMOs to be assessed shall not apply so as to avoid conflict of interest.

The consultant can be a consortium of a law firm and/or other experts. The consultant shall be able to mobilize in particular legal experts and public and private corporate governance experts, especially in the following areas:

- Copyright in an English-speaking environment
- Evaluation and diagnosis of intellectual property protection systems, both operational and financial aspects;
- Strategic support, sectorial analysis, management and performance improvement, particularly in the public sector;
- Auditing of public and private companies (organizational, accounting and financial, risks);
- Music, audiovisual and literary sectors in Nigeria, particularly in terms of corporate governance and financing.

AFD will prepare a shortlist of about six candidates on the basis of the expressions of interest (EOI) received. A Request for Proposal (RFP) will be sent to these selected firms. AFD avails itself the possibility of rejecting one, several or all the EOI received at its discretion and without any kind of notification to the bidders.

Expression of Interest (EOI) must be submitted in English with 1 hard and 1 soft copies, which shall be delivered to AFD Nigeria country office (address below) and to **colletl@afd.fr in PDF** not later than **September 16<sup>th</sup> 2019 at 12:00 noon (Abuja time)**.

**Agence Française de Développement**  
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