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Measures to Prevent the Violation of the Rights of Content Creators in Digital Environment: Case Study of Nigeria

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Abstract

Objective: to determine the level of protection of the rights of content creators in social media and to develop measures to prevent offenses in this area.

Methods: to achieve the objective, the sociological and legal cognitive tools were used, including the doctrinal method of researching the subject area, obtaining "first-hand" data and taking into account the factors and circumstances of influence. The main results were obtained through the sociological method used to collect data based on a specially developed questionnaire with four research questions: (1) what are the perceptions and opinions of third parties or users regarding the role of a content creator? (2) are the rights of content creators regarding their works violated? (3) what are the ways to protect the created content from infringement by platforms? and (4) how can the rights of content creators be protected? The empirical findings and generalizations were based on a combination of analyses, including content analysis of primary and secondary legal sources.

Results: In recent years, the content generation in social media has evolved into a complex industry that is transforming both the traditional

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understanding of creative expression and the implementation of intellectual property rights. Using the Nigerian experience as a case study, the authors examine the rights and protection measures provided to digital content creators under intellectual property law. The study shows that there is currently not enough scholarly work in this area or developed legislation to protect the social media content. It is concluded that there is a need for improved legislation on the protection of rights in the sphere of social media content. In the absence of such legislation, creators of online works should resort to more radical methods in enforcing their rights in order to reduce intellectual property misappropriation. Creators of such works are suggested to ensure the protection of their rights based on the fair use doctrine principles.

Scientific novelty: the study is structured around research questions concerning infringements and remedies for content creators. The questions were addressed to respondents from different countries, a large proportion of whom specialize mainly in content creation in various social spheres through several media platforms and social networks.

Practical significance: the article conclusions and recommendations may minimize the risks of infringement of intellectual property rights of content creators, which may arise with the widespread use of social networks, as well as increase the level of protection of rights to works created in the form of online content.

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Introduction

Intellectual Property is expanding so fast in today's unique and dynamic world. Intellectual property has developed so much in the legal field that conventions have been created around it (Zhang & Xu, 2023). In the same vein, international organizations such as the World Intellectual Property Organization (WIPO) and many others have also contributed to the advancement of intellectual property law by deepening the understanding of people. Artistic works, literary works, performance and broadcasting are also gaining substantial value in the labour market, as such, it will be highly unreasonable to ignore the socio-legal issues that emanates from them.

Over the last couple of years following the COVID-19 pandemic, a lot of people were forced to work remotely because of the lockdown situation, and individual businesses and largely established companies were affected by this shift in the norm (Liu & Zhang, 2024; Aina-Pelemo et al., 2021). Hence, a largely significant increase occurred in the utilization of social media marketing to reach the target audiences. This brought light to a part of intellectual property known as 'content creation' to the public. Although content creation has been in place for as long as intellectual property has been, the new format it has taken via social media platforms is what took the world by surprise. Nowadays, people extend their creative ideas and processes on platforms that are used every day and are primarily audio visual. Since then, the reputation of online content producers and marketers has improved tremendously and the global the influencer marketing sector is predicted to grow (Alvarez-Monzocillo, 2022). Presently, it represents roughly 15% of the overall worldwide advertising income.

Meanwhile, this industry is anticipated to increase by 25% annually, and by the end of 2025, it would have a total market value of more than INR 2,200 crores (\$26.84). India had 400 million social media users prior to the pandemic, however this number increased significantly (18%) as a result of the outbreak (Priyanshi, 2022). This currency value will be much higher if it is in United States Dollars.

Content creators and influencers assist brands in reaching out to a wider audience. According to surveys on users of Instagram* and other well-known social media platforms, each user spends, an average, of two hours every day on these platforms (Subair et al., 2019). As a result, social media influencers have proven to be a valuable tool in the marketing sector and contribute significantly to the expansion of companies by enabling them connect with new audiences.

1. Concept of Intellectual Property and Content Creation

Intellectual property (IP) refers to the legal rights granted to individuals or entities over creations of the mind, such as inventions, literary and artistic works, symbols, names, images, and designs (Aina-Pelemo & Akpojaro, 2024; Saha & Bhattacharya, 2011). These rights are crucial for fostering innovation, creativity, and economic growth. In Nigeria, intellectual property laws play a significant role in protecting and promoting innovation and creativity (Owushi, 2020).

Intellectual property is usually regarded as intangible and can only be perceived by sight or hearing. The exclusive uses or ownerships that the creators are granted over these creative works are known as intellectual property rights, (Fatoba, 2019; Lei & Hui, 2023). Typically, the creator is granted an exclusive right to use his or her work, sell or dispose of it as they pleases or even grant usage of these rights to other persons. It is a product of the mind, and the intangible medium of such properties are one of the reasons for its uniqueness. Intellectual property begins in the mind of individuals and then, they are executed into perceivable forms. However, the formation of these ideas is the product of intellect. Every individual's intellectual capacity varies and as a result, ideas even though similar will always have a touch of uniqueness that makes it exceptional.

Content creation is no exception to the above, it is an expression of ideas formed by one's intellect and skill into audio and visual mediums¹. The process of producing and sharing information through the media to reach a specific audience for specific purpose is known as content creation. Descriptively, content creation could also denote the process of performing research, coming up with strategic ideas, turning those ideas into high-quality collateral, and afterwards promoting those pieces to a target audience. This creation is a product of the intellect of a person known as the creator who has gone through a process of combining his or her knowledge, coupled with creativity to form valuable creations and as such, shows that content creation is a part of intellectual property (Kupers et al., 2019). It is usually aimed at marketing, advertising or information sharing.

According to Kupers et al. (2019), content creation exists mainly through audio visual mediums like videos and photographs. Humans' attention and interest are captivated by the senses of hearing and sight, and audiovisual works have the ability to gain the attention of people a lot faster than any other sensory mechanism. Hence, content creators take advantage of this.

Social media have made potent effect of audio-visual work climb to a whole new dimension. It allows people to connect with one another from all over the world in real time. It breaks the boundaries of time differences and other obstructions. In fact, creators can share their works on the internet and any social media of choice; they also have the ability to reach thousands and millions of people all at once, both in their countries or states and even across countries. Let's take an instance, where an artist has an art exhibition at a gallery and has a total attendance of one hundred (100) people. Analysing the same scenario, imagine a content creator is hired to create a video, giving insight about the art piece displayed in the exhibition and why it would be a great opportunity for artists to attend the exhibit and connect. Such video is then posted on a social media page and is targeted toward artist and art enthusiasts. No doubt, this addition to the promotion and marketing, the video content will reach thousands of people and the total attendance or audience may double or triple. Depending on the scale of the promotion, these results have proven to be remarkable.

¹ Farrington, C. A., McBride, M. R. A., Puller, J., Weiss, E., Maurer, J., Nagaoka, J., Shewfelt, S., & Wright, L. (2019). Arts Education and Social-Emotional Learning Outcomes Among K-12 Students. Developing a theory of Action. UChicago Consortium on School Research.

The rush for the content creation industry is rooted in the above explanation. Companies, organizations and all forms of corporations targeted at profit acquisition thrive on marketing. They look for the best ways to reach their target audience fast and efficiently. They can pay or hire content creators who have influence in a particular market of interest to be marketing the company's product to their vast audience that is, their target audience. Technology has paved the way for content creation to exist in such a large scale as it does. Also, the COVID-19 pandemic forced businesses and corporations to find new innovations to market their products and services and the content creation market filled that gap effortlessly². Premised on these explanations, the authors can rightly say that content creation is the basis of modern digital marketing.

On a daily basis, thousands and millions of contents is shared all over the internet around the world. For a piece of content to make an impact, it needs to be of high value and quality. This indicates that the creator must take particular effort in creating and formulating the content. The intellectual property system is created to accomplish two major goals (Afolayan, 2022). The first is the defense of the rights of creators of works of intellectual property, and the second is the promotion of the interest of the public through granting access to a broad variety of works and inventions in many areas vital to societal well-being. This goal promotes financial support for creative projects that benefit society as a whole.

Copyright law in Nigeria is primarily governed by the Nigerian Copyright Act of 2022 (NCA), which repealed the former 1988 Act. The Act grants exclusive rights to copyright owners, including the rights to reproduce, distribute, perform, and display their works. Copyright protection is automatic upon creation and extends for the lifetime of the author plus 70 years after his or her death³.

The NCA makes important modifications that will have an effect on creators and significantly enhance the exercise of their rights, particularly in a digital age. The Nigerian Copyright Commission (abbreviated NCC or «the Commission») has been given more authority to effectively administer and enforce compliance of individuals and entities with the Act's provisions (Majekolagbe, 2016). Audiovisual works are now recognized as being eligible for copyright protection. Tenure of moral rights has also been established, and photography and the arts are now subject to licenses.

The Act made it clear that prior to being duplicated, transmitted, or distributed to the public for commercial reasons through sale or other transfers of ownership, the owner of an audiovisual work must provide their approval (Nkwor, 2023). It also broadens the definition of broadcast to include distributing an audiovisual work to the general public via wired or wireless means in a way that allows for general access from a location and at a time of the general public's choosing.

² Smith, K. (2022). How Covid-19 Increased Influencer Marketing. <https://clck.ru/3AQeFW>

³ Oloruntade, G. (2023). What Does the New Copyright Law Mean for Nigerian Content Creators? Technext. <https://clck.ru/3AQeG9>

Since the Act defines copy as any kind of reproduction, including a digital copy, it allows for the inclusion of digital information. This implies that owners of any sort of online content, including social media content creators and anyone who produce audio, video, and other types of productions, are protected from copyright infringements since such works cannot be utilized without the owner's or creators' permission (Jerameel, 2021).

However, the artists and influencers on these social media platforms face intellectual property rights risks as a result of the social media market's expansion and their intellectual property rights must be protected because it takes tremendous amount of time, efforts, intelligence to create the original material, and years to build authentic audiences.

In light of this, this paper seeks to examine the rights and protection provided for content creators under Intellectual Property Law with a focus on Nigeria. The study was structured into four (4) research questions and address accordingly.

2. Extent of Creators Rights Over Work Published on the Social Media Platforms

The rights of a creator over their work published on social media platforms are determined by various factors. The general rule is that once a creative work is published in a fixed format, copyright is created (Oriakhogba, 2018). First, the copyright belongs to the influencer when created, except the employer of the creator wishes to solely or partially own the created work based on agreements between the parties or conditions of employment (Garcia, 2022). Additionally, the extent of the creators' right may also be determined by the terms of a contract signed by the creator. In a situation where a content creator enters an agreement with a company, the terms of their agreement may also state the extent of usage rights granted, licensing or shared ownership.

Once a creator uploads their creative work on social media, they still retain ownership of the copyright. The platform neither claims ownership of the material nor is anybody permitted to use it without the creators' consent, but by using any social networking platform, it is considered that the person consents to the terms of service, which frequently provide the platform permission to utilize the creators' works. This does not imply that the website may utilize the creator's work for its own purposes, but it is free to evaluate, remove, or even restrict the content in order to comply with its conditions of use (Reid, 2019). These terms of service may require users to permit the use of their work in order to enhance their services, according to certain terms of service. Neither the users nor web manager, can asserts control over user-generated content or reserves the right to sell it to advertising agents. More significantly, the web manager enables other users of the site to access the work with necessary credit being given to the creators.

The copyright terms of some large social media platforms (e.g Instagram*, Twitter**, YouTube***, LinkedIn****, TikTok, Facebook*****, Snapchat, Pinterest, etc) make it clear that users still have full ownership over their content published and they rather act as

placeholders⁴. Nonetheless, the fact that a work is on public site does not indicate that it is owned by the public or in public domain. In essence, works can be violated and reliefs awarded for any violation of a person's IPRs that happens online or on social media (Fagundes & Perzanowski, 2020).

3. Data Presentation and Analysis

This section presents and analyzes the data obtained by questioning.

3.1. Research sample and methods

In order to implement the adopted comprehensive research methodology, both qualitative and quantitative approaches were used. In this regard, a questionnaire containing several research questions was used for data collection: 1. What are the perceptions and opinions of third parties or users regarding the role of a content creator? 2. Are the rights of content creators regarding their works violated? 3. What are the ways to protect the created content from infringement by platforms? 4. How can the rights of content creators be protected?

The survey was conducted electronically via Instagram* from January through March 2023. More than 50 content creators responded to the survey. The survey used a simple random sampling method to select respondents, which combines well with the use of a hybrid approach to legal research, and has the advantage of reaching the most diverse groups of respondents and is free from bias.

3.2. Data Analysis and Results

The data obtained or generated from the conducted questionnaire are presented in the tables below.

The findings on the social demographics information was presented in Table 1. The gender distributions of the respondents showed that nearly all of them were female. This was such that 94.2 % were female, while 5.8 % were males. The respondents' age distribution revealed that 17.3 % of respondents were within the age ranges of 16 and 20 years, 65.4 % within the age range of 21 and 25 years, and 15.4% aged between 26 and 30 years, while a limited percentage of the respondents (1.9 %) aged above 30 years. In respect to the nationality of the respondents, majority of the respondents (78.9%) were Nigerians, 3.8 % from Ghana and Albania, 1.9 % claimed Kenya, the Republic of Gambia, Trinidad and Brazil for nationality and 5.9 % from Britain.

In a similar trend larger percentage of the respondents (76.9 %) resides in Nigeria, 3.8 % of resides in Ghana, 1.9 % claimed they lives in either Siberia or Trinidad, while 3.8 resides in either Italy or United State of America and 7.7 % lives in the United Kingdom.

⁴ Frost, N. (2023). Crediting Sources on Social Media: Why and How to Do It. <https://clck.ru/3AQekF>

Table 1. Frequency Distribution showing Respondents' Social Demographics

Factors	Options	Frequency	%
Gender	Male	3	5.8
	Female	49	94.2
	Total	52	100.0
Age	16-20 Years	9	17.3
	21-25 Years	34	65.4
	26-30 Years	8	15.4
	Above 30 Years	1	1.9
	Total	52	100.0
Nationality	Nigerian	41	78.9
	Ghanaian	2	3.8
	Kenyan	1	1.9
	British	3	5.9
	Trinidadian	1	1.9
	Albanian	2	3.8
	Gambian	1	1.9
	Brazilian	1	1.9
	Total	52	100.0
Country of Residence	Nigeria	40	76.9
	Ghana	2	3.8
	Russia	1	1.9
	Italy	2	3.8
	Trinidad	1	1.9
	United Kingdom	4	7.7
	USA	2	3.8
	Total	52	100.0
Creative Niche	Beauty	31	59.7
	Lifestyle	3	5.9
	Fashion and education	1	1.9
	Beauty and Food	1	1.9
	2Beauty/lifestyle	2	3.8
	Lifestyle, food	1	1.9
	Fashion and Lifestyle	2	3.8
	Beauty and Fashion	2	3.8
	Lifestyle and Beauty	1	1.9
	Beauty, Fashion & lifestyle	3	5.9
	Lifestyle, beauty and fashion	1	1.9
	Beauty, Lifestyle and Entertainment	2	3.8
	Beauty, lifestyle and Education	1	1.9
	Beauty, Fashion, Health and Lifestyle	1	1.9
	Total	52	100.0

End of Table 1

Creative Platforms	YouTube***	2	3.8
	Instagram*	12	23.1
	TikTok	3	5.9
	WhatsApp, Tiktok	1	1.9
	Instagram* & Tiktok	18	34.6
	Instagram*, Tiktok, Facebook*****	5	9.6
	YouTube***, Instagram* and TikTok	4	7.7
	YouTube***, Facebook*****, Instagram*, Tiktok	2	3.8
	Instagram*, Tiktok, Pinterest and YouTube***	3	5.9
	Instagram*, TikTok, Interest	2	3.8
Total		52	100.0
How Important is content creation to you?	It is important to me because it takes my time and resources	27	51.9
	It is very important to me because it is my source of livelihood/income	25	48.1
	Total	52	100.0

In respect to the respondents' creative Niche, it was observed that a good number of them (59.7) majored in creating content related to Beauty, 5.9 % centralized it content creation on lifestyles, similar percentage (5.9 %) centralized its content creation on beauty, fashion and lifestyle. It was also reported that 3.8 % centralized their content creativity on beauty and life style, fashion and lifestyle, beauty and fashion, as well as beauty, lifestyle and entertainment. Meanwhile 1.9 % majored their content creation on both fashion and education; beauty and food; lifestyle and food; life style and beauty; beauty with lifestyle and entertainment; or beauty with fashion, and health with lifestyle.

On the creative platform used by the respondents, 3.8 % affirm they use the Youtube***, or both Instagram*, TikTok with Pinterest; or both YouTube***, Facebook***** and Instagram*, Tiktok together, 5.9 % use TikTok, and a similar percentage of (5.9 %) had been using both Instagram*, Tiktok, Pinterest and YouTube*** together, 23.1 % adopted only Instagram as a social media platform for content creation. A few of them (1.9 %) had been using WhatsApp and TikTok for their content creation, 34.6 % also adopted both Instagram and TikTok for their content creativity, 9.6 % adopted both Instagram*, TikTok and Facebook***** for their content creation, while 7.7 % make use of both YouTube***, Instagram and TikTok for their content creation. The last reported socio-demographic information inquired the relevance of content creation to. It indicated that 51.9 % of the respondents affirmed that content creation help use their time and resources productively, while 48.1% consented that content creation is their source of livelihood and means of income generation.

The finding on statements explains perception and attitude towards crediting the source of content creation and presented in Table 2. It revealed that 21.2 % of the respondents had at a time confronted or taken action against someone who appropriated or repurposed their work without their consent, a few (3.8 %) does not bother when anyone appropriated

or repurposed their work without their consent, meanwhile majority had not at any point in time confronted nor took any action against anyone who appropriates or repurposed their work without their consent. It was also reported that 23.1 % of the respondents were of the opinion that they are not sure if they had at any point in time appropriated the creative work of another creator without their consent or giving proper credit when they take inspiration from their work or recreate the same as theirs, however larger number of the respondents (76.9 %) posited they had never appropriated the creative work of another creator without their consent or giving proper credit when they take inspiration from their work or recreate the same as theirs.

Table 2. Frequency Distribution showing perception and attitude towards crediting the source of content ideas

Factors	Options	Frequency	%
I have confronted or taken action against someone who appropriated or repurposed my work without my consent	No	39	75.0
	I don't Care	2	3.8
	Yes	11	21.2
	Total	52	100.0
I have appropriated the creative work of another creator without their consent or giving them proper credit for when I take inspiration from their work or recreate the same	No	40	76.9
	I don't Know	12	23.1
	Yes	0	0
	Total	52	100.0
I always give credit to the original creator of any design or style etc. I take inspiration from my content	No	1	1.9
	I don't Care	12	23.1
	Yes	39	75.0
	Total	52	100.0
I understand what fair content use implies	No	14	26.9
	Yes	38	73.1
	Total	52	100.0

Higher percentage of the respondents (75 %) affirmed that they had always given credit to the original content creator where they got inspiration, 23.1 % do not care to give credit, while a few (1.9 %) does not. Lastly, it indicated that majority of the respondents (73.1 %) affirmed that they do understand what means to engage in fair content use, though 26.9 % report contrary.

The result in Table 3 shows the possibility of infringement on works of content creators. It was observed that a good number of the respondents (55.7 %) were of the believe that a content creators' work can be appropriated on social media without any form of consequences, 21.2 % of were not sure if there is any form of consequences for content appropriation on social media or not, although 23.1 % did not believe that a creators' work can be appropriated on social media without any consequences.

Lastly, it was observed that a good number of the respondents (55.8 %) does not bother whether their works had been appropriated and re-purposed without their consent in time past, however 44.2 % denied the occurrence that their work had been appropriated and re-purposed without their consent in time past.

Table 3. Frequency and percentage summary relating the possibility of infringement on works of content creators

Factors	Options	Frequency	%
Do you believe that a creator work can be appropriated on social media without any consequences	No	12	23.1
	I don't Know	11	21.2
	Yes	29	55.7
	Total	52	100.0
My work has been appropriated and re-purposed without my consent in the past	No	23	44.2
	I do not Care	29	55.8
	Yes	-	-
	Total	52	100.0

The result on the possible ways to protect content creations from media infringement was presented in Table 4. A good number of the respondents (59.6 %) believed that the use of watermarks or the attachment of any other form of personal branding on creative contents been uploaded on social media platforms is sufficient enough to protect content creative rights, however 40.4 % had a contrary impression.

Table 4. Frequency and percentage summary relating possible ways to protect content creations from Media infringement

Factors	Options	Frequency	%
Do you believe that as a creator, watermarking or attaching any form of personal branding on your creative works uploaded on social media platforms is sufficient to protect your creative rights	No	21	40.4
	Yes	31	59.6
	Total	52	100.0
It is not mandatory to register your creative works to enforce copyright as it exists once the work is published to the public in a fixed format. It is however advised that a creator should register their works. Do you believe you can realistically register each piece of your work?	No	21	40.4
	I don't Know	14	26.9
	Yes	17	32.7
	Total	52	100.0
Do you believe that "tagging the original creator" is a sufficient means to credit the creator of a work	No	13	25.0
	Yes	39	75.0
	Total	52	100.0

It was reported that 40.4 % of the respondents were aware of the need to register each piece of the content they create as they have been advised to do so. Therefore it is mandatory for them to register their creative works to enforce copyright as it exists once the work is published to the public in a fixed format. 26.9 % of the respondents were not aware of the need to and the benefit of registering their created contents, meanwhile 32.7 % felt it is not mandatory to register their created contents. Lastly, 75 % of the respondents believed that "tagging the original creator" is a sufficient means to credit the creator of a work, meanwhile 25 % report differently.

The findings on statements relating to the possible steps to protecting the right of content creators were presented in Table 5. The enquiry about the meaning of fair content use to certify the understanding of content creators about their right had shown that 42.3 % of the respondents were of the opinion that fair content use means crediting the original creator of the work, 19.2 % had explained it as using the content created by the creator for its intended purpose, and 3.8 % felt fair content means replicating the same content idea in their own content without credit, while 34.6 % explained fair content as the use of creative work or content without harming the rights of the creator.

Table 5. Frequency Distribution showing the possible steps to protecting the right of content creators

Factors	Options	Frequency	%
What does the principle of fair content use mean to you as a creator?	Crediting the original creator of the work	22	42.3
	Using the content created by the creator for the purpose it was intended for	10	19.2
	Replicating the same idea in my own content without credit	2	3.8
	Using the creative work or content without harming the rights of the creator	18	34.6
	Total	52	100.0
Are you aware of any legal ways to protect your content on social media?	No	18	34.6
	Yes	34	65.4
	Total	52	100.0
If Yes, then through what means?	Friends	1	1.9
	Media (Social media, blogs, videos, articles, etc.)	26	50.0
	Formal Education	7	13.5
	Total	34	100.0
	Note Applicable	18	-
Are you aware that it is wrong for someone to appropriate or repurpose your content without your consent?	No	4	7.7
	Yes	48	92.3
	Total	52	100.0

Reasonable number of the respondents (65.4 %) affirmed that they are aware of legal ways to protect their content on social media, although 34.6% report not to be aware of any form of legal approach to protect their content copyright. A limited percentage of the respondents (1.9 %) express their awareness of legal ways to protect their content creation through their friends as a way to protect their content copyright, and a good number (50 %) has identified the media such as a Blogs, Media videos and articles and other media platforms as a legal way to protect their content copyright, while 13.5 % indicated formal education as means to protecting their content creation copyrights. Lastly, nearly all the respondents (92.3 %) affirmed their awareness that it was a wrong step for someone to appropriate or repurpose their content without their consent, meanwhile 7.7 % did not see content copyright as illegal.

3.3. Discussion of the Results

This study clarified that content creators have adequate knowledge of fair content use, and oftentimes give credit to the creator of any content when they use such or get inspired for their self-created content. Furthermore, content creators are less likely to engage appropriation of other content creators' works without their consent, and in many occasions, they are less bothered about taking actions against those who appropriate their created contents. It is therefore justified that content creators have positive perception and attitude towards crediting the source of their ideas.

The finding of this study is in line with a review conducted by Frost⁵, a writer at a Facebook^{*****} advertisement agency who affirmed that it is important to credit the creative work of other creators on social media as this helps build the integrity of a creative work.

The postulation that content creators' works are infringed upon is found true to a reasonable extent, because content creators are aware of the possibility of created contents to be appropriated without any lethal consequence. Creators are also less bothered if their works are been appropriated since they are of the view that there will be no consequences or action taken against the infringers. Therefore, it is clarified that there is certainty of infringement on works of content creators via the social media platforms. This finding is in line with the study conducted by Nicdao et al. (2022) where they found that of the twenty-five content creators that has experienced copyright infringements of their works, only twelve made efforts to challenge the misappropriation, while the remaining thirteen did nothing despite the negative effect of the infringement on their works. This indicates that the likely reason for the abandonment is due to the uncertainty surrounding the implementation of their rights over their works.

The study found that majority of content creators understood the need to always tag an originator of any content when it is used to draw inspiration. Also, adopting watermarks and other form of personal branding is a protective measure for creators to adopt. It is also becoming a necessity to register creative contents that are of high value to avoid misappropriation on social media platforms. Thus, it is ascertained that adopting the identified measures will protect content creations from infringement on the social media platforms.

This study found that majority of the content creators had adequate knowledge of fair content use, and had a withdrawn perception towards the illegality of appropriating a created content without the consent of the originator. It shows that to a reasonable extent, content creators are aware of legal steps that can be adopted to protect their content copyrights. In line with this study, Tobin (2013) found that it is important to understand that users cannot just appropriate a creators work without considering the rights of the creator. Once the moral and economic rights of the creator are being violated, it falls outside the principle of fair use and there will be legal consequences for such violations. Creators must ensure to use other creator's works with caution and always give credit to the origin creator, as well as take appropriate measures to protect their own works.

⁵ Frost, N. (2023). Crediting Sources on Social Media: Why and How to Do It. <https://clck.ru/3AQekF>

Conclusions

Conclusively, it is an established fact that an author need not register their works before they can claim copyright, because, copyright is deemed created the moment the work is put in an expressive form and publicized, justifying that content creators has a right over their creations or works without any form of registration. Also, the common misconception that creative works of content creators on the internet or any social media platforms are in the public domain for public use without averting their minds to the true meaning of public domain which simply refers to those works and creations that are no longer under the protection of intellectual property laws due to several reasons. Therefore, this new wave of social media usage has resulted into freedom of distribution or circulation of various creative works through the social media platforms, which has grown into a large market for creators and different business minded people needs to be legally protected. Considerably, jobs are being created, new ways of trading and generating economy are springing up and possibility for infringing one another's rights is inevitable.

Millions of individuals interact on these platforms on a daily basis and it has grown at an exponential rate. Hence, attention should be given to the protection of creators' right through the appropriate legislation to eradicate all misconceptions.

Based on the findings of this study, the following recommendations are proposed:

- the use of visible water marks on works published on social media; Creators should explore multiple variants of water marks as will be suitable or compatible with the type of content they make.
- creators who have gathered significant influence in certain fields and are categorized as influencers should be mindful of their works, and register such works to reduce incident of infringement or unfair use.
- creators should also take extra precautions to ensure that their content is not infringing on any other creators work because such infringement would bruise the integrity of their own work.
- there should be proper enforcement of sanctions against intellectual property violators.
- there should be enactments made specifically for the protection of content creations on social media platforms.
- the content creators should be educated about these available legal protections over their works via training, workshops, and seminars.

* Instagram – The social network belongs to Meta, which is recognized as an extremist organization, its functioning is prohibited in the territory of the Russian Federation.

** Twitter – The social network blocked in the territory of the Russian Federation for disseminating unlawful information.

*** YouTube – The foreign person owning the YouTube informational resource violates the legislation of the Russian Federation.

**** LinkedIn – The social network blocked in the territory of the Russian Federation.

***** Facebook – The social network belongs to Meta, which is recognized as an extremist organization, its functioning is prohibited in the territory of the Russian Federation.

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Aina-Pelemo A. D. provided general guidance and set the study objectives; searched and selected scientific literature; critically evaluated the interpretation of the study results; formulated key conclusions, suggestions and recommendations; approved the final version of the article.

Bassey I. analyzed the national legislation; interpreted the study results; organized the sociological survey and drafted the manuscript.

Akpojaro G. O. collected and analyzed literature and legislation; conducted the sociological survey; interpreted the study results; organized the sociological survey and drafted the manuscript.

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Меры профилактики нарушений авторских прав на создание контента в цифровой среде: опыт Нигерии

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Ключевые слова

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интернет,
онлайн-контент,
право интеллектуальной
собственности,
правовая защита,
профилактика нарушений
авторских прав,
социальная сеть,
цифровая платформа,
цифровой маркетинг,
цифровые технологии

Аннотация

Цель: определить уровень защищенности прав авторов контента в социальных сетях и выработать меры профилактики правонарушений в данной области.

Методы: на достижение поставленной цели был направлен социологический и правовой познавательный инструментарий, включающий доктринальный метод исследования предметной области, с получением данных из «первых уст» с учетом воздействующих факторов и обстоятельств. Основные результаты получены при помощи социологического метода, используемого для сбора данных на основе разработанной анкеты, содержащей четыре исследовательских вопроса: (1) каковы представления и мнения третьих лиц или пользователей относительно роли создателя контента; (2) нарушаются ли права создателей контента на их произведения; (3) каковы способы защиты созданного контента от посягательств со стороны платформ; (4) как можно защитить права создателей контента. В основе полученных эмпирических данных и их обобщений находилась комбинация видов анализа, в том числе контент-анализ первичных и вторичных источников права.

Результаты: в последние годы создаваемый в социальных сетях контент превратился в сложную индустрию, которая меняет как традиционное понимание творческого самовыражения, так и реализацию прав интеллектуальной собственности. На примере опыта Нигерии

✉ Контактное лицо

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Статья находится в открытом доступе и распространяется в соответствии с лицензией Creative Commons «Attribution» («Атрибуция») 4.0 Всемирная (CC BY 4.0) (<https://creativecommons.org/licenses/by/4.0/deed.ru>), позволяющей неограниченно использовать, распространять и воспроизводить материал при условии, что оригинальная работа упомянута с соблюдением правил цитирования.

предпринята попытка изучить права и меры защиты, предоставляемые создателям цифрового контента в соответствии с законодательством об интеллектуальной собственности. Как показало исследование, в настоящее время не существует достаточного количества научных работ в этой области или развитого законодательства по защите произведений в социальных сетях. Делается вывод о необходимости совершенствования законодательных актов по защите прав на контент в социальных сетях, в отсутствие которого авторам онлайн-произведений рекомендуется прибегать к более радикальным методам в обеспечении своих прав, чтобы уменьшить количество случаев незаконного присвоения интеллектуальной собственности. Создателям таких произведений предлагается обеспечивать защиту своих прав, основываясь на принципах доктрины добросовестного использования.

Научная новизна: исследование структурировано по исследовательским вопросам, касающимся нарушений и способов защиты прав создателей контента, адресованным респондентам из разных стран, значительная часть которых специализируется преимущественно на создании контента в разных социальных сферах посредством нескольких медиа-платформ и социальных сетей.

Практическая значимость: выводы и рекомендации позволят минимизировать риски нарушения прав интеллектуальной собственности создателей контента, которые могут возникнуть при широком использовании социальных сетей, а также повысить уровень защиты прав на созданное в виде онлайн-контента произведение.

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