

ARTIFICIAL INTELLIGENCE AND COPYRIGHT AUTHORSHIP UNDER THE
NIGERIAN COPYRIGHT LAW

Misbau Alamu Lateef

ABSTRACT

The emergence of artificial intelligence (AI) as a creative force presents unprecedented challenges to traditional concepts of authorship under copyright law. This paper examines the current state of Nigerian copyright law regarding AI-generated works, analysing the approach of Copyright Act 2022 to authorship requirements and its implications for AI creativity. Through comparative analysis with other jurisdictions, particularly the United States and India, this paper evaluates the adequacy or otherwise of Nigeria's existant legal framework in addressing AI authorship. Drawing decisions of the Nigerian Supreme Court in MCSN v Compact Disc Technology Ltd and Adeokin Records v MCSN, which clarified authorship principles under Nigerian law, this paper argues that whilst the Copyright Act 2022 maintains strict human authorship requirements, the rapid advancement of AI technology necessitates legislative reform to accommodate AI as a co-author or through alternative frameworks such as sui generis protection. The paper proposes that Nigeria should adopt a flexible approach that recognises human-AI collaborative works under the joint authorship doctrine whilst developing specific provisions for purely AI-generated content. This would better serve the Act's objectives of promoting creativity and innovation whilst ensuring just rewards for intellectual endeavours in the digital age.

Keywords: artificial intelligence, copyright law, authorship, Nigerian Copyright Act 2022, AI-generated works, joint authorship, creative economy

1.0 Introduction

Since the inception of intellectual property protection, the conception of authorship in copyright law has remained fundamentally anchored to human creativity.¹ However, the emergence of sophisticated artificial intelligence systems capable of autonomous creative expression presents an existential challenge to this anthropocentric paradigm. Today, AI systems generate novels that pass literary competitions,² create artworks that sell for millions,³ and

• Senior Law Lecturer, The Law School, University of Hull, United Kingdom (Visiting Scholar, Columbia Law School, N.Y, United States of America – 2018, 2021-2022).
M.lateef@hull.ac.uk

¹ U.S. Const. art. I, § 8, cl. 8; Berne Convention for the Protection of Literary and Artistic Works (adopted 9 September 1886, entered into force 5 December 1887).

² Chloe Olewitz, 'A Japanese A.I. Program Just Wrote a Short Novel, and It Almost Won a Literary Prize' (Digital Trends, 23 March 2016)

³ AI Artwork Sells for \$432,000 at Christie's' (BBC News, 25 October 2018)
<https://www.bbc.co.uk/news/technology-45980863> accessed 20 June 2025

compose music indistinguishable from human compositions.⁴ Technological revolution raises profound questions about the nature of creativity, authorship, and the fundamental assumptions underlying copyright protection.

The creative economy in Nigeria, projected to reach \$15 billion by the end of this 2025 and potentially contribute 5 trillion Naira to the country's GDP,⁵ stands at a critical juncture where AI integration could either catalyse unprecedented growth or create legal uncertainties that stifle innovation. The recently enacted Copyright Act 2022⁶ maintains traditional human-centric authorship requirements whilst the creative industries increasingly embrace AI tools for content generation. This temporal disconnect between law and technology creates a pressing need for doctrinal analysis and potential reform.

The Nigerian Supreme Court's decisions in *Musical Copyright Society Nigeria (MCSN) v Compact Disc Technology Ltd & Ors*⁷ and *Adeokin Records v MCSN*⁸ have provided crucial clarity on authorship principles under Nigerian copyright law, establishing that the right to sue for copyright infringement clearly vests in owners, assignees and exclusive licensees of copyright as well as collective management organisations (CMOs). These decisions offer important precedents for understanding how Nigerian courts approach questions of authorship and ownership, particularly relevant to the emerging challenges posed by AI-generated works.

Having regard to the foregoing, the central question this paper addresses, therefore, is whether the extant framework for copyright in Nigeria adequately addresses AI authorship, and if not, what reforms are necessary to balance innovation with creator protection. This inquiry is particularly urgent given that Nigeria's interest in AI has grown by 100 percent since 2022 compared to 2021, indicating rapid adoption that the legal framework must accommodate.⁹

This paper argues that whilst the Copyright Act 2022's human authorship requirement reflects established international practice, Nigeria should proactively develop frameworks for AI authorship recognition to maintain its competitive position in the global creative economy. Building on the Supreme

⁴ Devin Coldewey, 'Google's WaveNet Uses Neural Nets to Generate Eerily Convincing Speech and Music' (TechCrunch, 9 September 2016)

⁵ TL First, 'Nigeria's Creative Economy: An Emerging Powerhouse' (May 2024) <https://tfirst.com/wp-content/uploads/2024/06/NIGERIAS-CREATIVE-ECONOMY-MAY-2024-REPORT.pdf> accessed 28 June 2025

⁶ Copyright Act 2022 (Act No.8)

⁷ *Musical Copyright Society Nigeria (MCSN) v Compact Disc Technology Ltd & Ors* (2018) SC 425/2010

⁸ *Adeokin Records v Musical Copyright Society Nigeria (MCSN)* (2018) SC 336/2008

⁹ 'Regulating Artificial Intelligence in Nigeria' (ÆLEX Legal, 1 July 2024)

<https://www.aelex.com/regulating-artificial-intelligence-in-nigeria/> accessed 28 June 2025

Court's flexible approach to authorship categories in the *Compact Disc* case, the paper proposes a three-tier approach: recognition of human-AI collaborative works under joint authorship principles, development of sui generis protection for purely AI-generated works, and establishment of clear ownership frameworks that incentivise AI development whilst protecting human creators.

The paper is divided into ten parts, starting with this introductory section as Part I. Part II examines the conceptual framework of authorship under Nigerian copyright law, analysing traditional requirements and recent judicial clarification from the Supreme Court. Part III provides comparative analysis of jurisdictional approaches to AI authorship, examining positions in the United States, India, and China. Part IV explores the challenges posed by AI to traditional copyright doctrines, including originality, fixation, and ownership questions. Part V considers economic and policy implications for Nigerian copyright law, focusing on innovation incentives and international competitiveness. Part VI analyses corporate authorship doctrine as precedent for AI works. Part VII proposes a three-tier framework for AI authorship recognition in Nigerian law. Part VIII addresses implementation considerations and legislative amendments required. Part IX responds to potential objections to AI authorship recognition. Part X concludes with recommendations for proactive policy development to position Nigeria as a leader in AI copyright law whilst protecting both human creators and technological innovation.

II. The Conceptual Framework of Authorship under Nigerian Copyright Law

A. Traditional Authorship Requirements and Recent Judicial Clarification

The Copyright Act 2022 establishes authorship as the cornerstone of copyright protection, defining eligible works as those created through human intellectual effort. Section 2 provides that literary, musical, or artistic works shall be eligible for copyright only where “some effort has been expended on making the work, to give it an original character” and “the work has been fixed in any medium of expression.”¹⁰ This requirement inherently assumes human agency in the creative process.

The Supreme Court's landmark decision in *MCSN v Compact Disc Technology Ltd*¹¹ provided crucial clarity on authorship under Nigerian law. The Court held that “a community interpretation of sections 10, 11, 16, 17 and 39 of the Copyright Act acknowledges five categories of persons who can institute or commence an action relating to infringement of copyright either personally or in a representative capacity.”¹² These categories comprise: (i) owners, (ii) assignees, and (iii) exclusive licensees of copyright under section 16; (iv) persons

¹⁰ Copyright Act 2022, s 2(2)

¹¹ *MCSN v Compact Disc Technology Ltd* (n 7)

¹² *ibid* 7 and 9

carrying on the business of negotiating licences and collecting royalties for not more than 50 copyright owners under section 17; and (v) associations of copyright owners formed under section 39.¹³

The Act's definition of "author" lacks explicit limitation to human beings, but contextual interpretation suggests this assumption. Section 28(1) states that "copyright conferred by this Act, shall initially vest in the author,"¹⁴ whilst the interpretive provisions of the Act define authorship in relation to various work categories without addressing non-human creation.¹⁵ However, the recognition by the Supreme Court in *Compact Disc* that copyright ownership may vest in both natural and legal persons under sections 10 and 11¹⁶ provides a potential framework for AI-related ownership questions under the Nigerian law.

Furthermore, the originality requirement presents additional complexity for AI-generated works. Nigerian courts have historically applied a minimal creativity threshold, following the Anglo-American tradition established in *Feist Publications v Rural Telephone Service*.¹⁷ However, when an AI system makes independent creative choices - such as determining subject matter, style, or composition - the question arises whether such decisions constitute the requisite "intellectual effort" for originality.

B. Moral Rights and AI Creativity

The 2022 Act's moral rights provisions further complicate AI authorship. Section 14 grants authors the right to claim authorship and object to derogatory treatment of their works.¹⁸ These rights presuppose conscious creative intent and reputational interests that AI systems currently lack. The attribution right requires that authorship "be indicated in connection with any of the acts" relating to the work,¹⁹ thereby raising questions about how to attribute AI-generated content.

The integrity right, protecting against "distortion, mutilation or other modification" that would be "prejudicial to honour or reputation,"²⁰ becomes meaningless when applied to AI systems that possess neither honour nor reputation in the legal sense. This creates an asymmetry where AI-generated

¹³ DO Oriakhogba and EO Erhagbe, 'How the Nigerian Supreme Court finally resolved the copyright collective management organizations' locus standi conundrum' (2019) 14 JIPLP 472, 474

¹⁴ Copyright Act 2022, s. 28(1)

¹⁵ *ibid* s. 108

¹⁶ Oriakhogba and Erhagbe (n 13) 474-475

¹⁷ *Feist Publications Inc v Rural Telephone Service Co* 499 US 340 (1991)

¹⁸ Copyright Act 2022, s. 14

¹⁹ *ibid* s. 14(1)(a)

²⁰ *ibid* s 14(1)(b)

works, if recognised, would lack the full protective framework available to human-authored works.

C. Duration and Economic Rights Framework

The Act's provision for a 70-year postmortem term of protection²¹ is unworkable for AI authorship, as artificial systems lack a biological lifespan. However, the Act addresses this challenge for corporate authorship by providing alternative duration calculations for works created by government or corporate entities,²² thereby also suggesting a possible framework for AI-generated works.

The economic rights framework - encompassing reproduction, publication, performance, and distribution rights²³ - could also theoretically apply to AI-generated works. The Supreme Court's analysis in *Compact Disc* of how assignments and exclusive licences "put the assignee and licensee in the stead of the copyright owner such that the assignee and licensee can enjoy the exclusive rights vested in the copyright owner"²⁴ provides insight into how ownership transfer mechanisms might apply to AI-generated works.

D. The Requirement of Fixation and Human Agency

Section 2(2)(b) requires that eligible works be "fixed in any medium of expression known or later to be developed, from which it can be perceived, reproduced or otherwise communicated either directly or with the aid of any machine or device."²⁵ The requirement is readily satisfied by AI-generated works, which typically produce digital outputs or other tangible manifestations.

However, the more fundamental question concerns the human agency requirement implicit in the Act's structure. The Act requires that "some effort has been expended on making the work, to give it an original character."²⁶ The courts have not yet addressed whether algorithmic decision-making and computational creativity can satisfy the requirement, leaving significant uncertainty about the status of purely AI-generated works.

The Supreme Court's emphasis in *Compact Disc* that "standing to sue does not depend on the success or merit of the claim but on the interest of the plaintiff in the subject matter of the suit"²⁷ suggests that Nigerian courts focus on practical ownership questions rather than metaphysical concepts of creativity. This

²¹*ibid* s 19(1)(a)

²²*ibid* s 19(1)(b)

²³*ibid* ss 9-13

²⁴*MCSN v Compact Disc Technology Ltd* (n 7) 32-33

²⁵ Copyright Act 2022, s 2(2)(b)

²⁶ *ibid* s 2(2)(a)

²⁷*MCSN v Compact Disc Technology Ltd* (n 7) 39

pragmatic approach may prove beneficial when addressing AI authorship challenges.

III. Comparative Jurisdictional Approaches to AI Authorship

A. The United States Position: Human Authorship Primacy

The United States maintains a strict human authorship requirement that has shaped global discourse on AI creativity. The U.S. Copyright Office has consistently stated that it “will not register works produced by a machine or mere mechanical process that operates randomly or automatically without any creative input or intervention from a human author.”²⁸ This position was reinforced in *Thaler v Perlmutter*,²⁹ where the court reaffirmed established law that human authorship is required for copyright protection and granted summary judgement to the Copyright Office.

However, the U.S. approach recognises AI as a tool in human creation. Recent guidance clearly suggests that “if a human provides significant creative input - such as editing, arranging, or selecting AI-generated elements - a work might be eligible for copyright protection.”³⁰ This instrumental view of AI aligns with traditional copyright principles whilst accommodating technological advancement.

The American approach has significant implications for global AI development. The treatment of many AI-generated works as public domain creates uncertainty for businesses and creators who rely on AI tools, prompting calls for legislative reform and alternative protection mechanisms.

B. The Indian Innovation: Joint Authorship Recognition

India has emerged as a pioneer in AI authorship recognition through its application of joint authorship principles. In a landmark decision, the Copyright Office of India granted registration to an AI-generated artwork titled “Suryast,” listing both RAGHAV (an AI application) and its operator Ankit Sahni as co-authors.³¹ This pragmatic approach acknowledges AI’s creative contribution whilst maintaining human involvement in the copyright framework.

²⁸ US Copyright Office, 'Copyright and Artificial Intelligence'
<https://www.copyright.gov/ai/> accessed 4 July 2025

²⁹ *Thaler v Perlmutter* 687 F Supp 3d 140 (DDC 2023)

³⁰ 'AI Developments at the U.S. Copyright Office in 2024' (IP Watchdog, 19 December 2024)
<https://ipwatchdog.com/2024/12/30/ai-developments-u-s-copyright-office-2024/id=184382/> accessed 5 July 2025

³¹ Sarkar S, 'Exclusive: India Recognises AI as Co-Author of Copyrighted Artwork' (Managing IP, August 2021)

<https://www.managingip.com/article/b1t0hfz2bytx44/exclusive-india-recognises-ai-as-co-author-of-copyrighted-artwork> accessed 28 June 2025

The Indian approach offers several advantages that align with the Nigerian legal principles established in *Compact Disc*. Firstly, it preserves established legal frameworks rather than creating entirely new categories. Second, it recognises that modern AI systems make genuine creative contributions that merit legal acknowledgement. Third, it provides economic incentives for AI development whilst maintaining human oversight and responsibility.

Significantly, the initial application listing only RAGHAV as author was rejected, whilst the joint authorship application succeeded, indicating that Indian law requires human involvement for copyright recognition.³² The approach suggests a middle path between complete AI exclusion and full AI recognition that could prove compatible with Nigerian copyright law's flexible approach to multiple authorship categories.

C. The Chinese Model: Corporate Authorship Extension

China has developed a distinctive approach that extends corporate authorship principles to AI-generated works. Chinese copyright law allows "not only natural persons but also legal entities and organisations without legal personality to be recognised as authors," with legal entities claiming authorship if work "is produced within its organisation, reflects its intent, and the entity assumes responsibility for it."³³

This framework enables AI systems to generate copyrightable works through corporate structures, with the developing organisation claiming authorship. The Beijing Internet Court ruled in *Li v Liu* that "an AI-generated image is copyrightable and that a person who prompted the AI-generated image is entitled to the right of authorship under Chinese Copyright Law."³⁴ This decision demonstrates greater flexibility toward AI creativity than most Western jurisdictions.

The Chinese model prioritises economic development and technological advancement over philosophical concerns about non-human creativity. This pragmatic approach parallels the Nigerian Supreme Court's practical focus on ownership interests rather than abstract authorship concepts, as demonstrated in the *Compact Disc* decision.

IV. Challenges Posed by AI to Traditional Copyright Doctrines

³²*ibid*

³³ Wang Y and Zhang J, 'Beijing Internet Court Grants Copyright to AI-Generated Image for the First Time' (Kluwer Copyright Blog, 2 February 2024) <https://copyrightblog.kluweriplaw.com/2024/02/02/beijing-internet-court-grants-copyright-to-ai-generated-image-for-the-first-time/> accessed 24 July 2025

³⁴*Li v Liu* (Beijing Internet Court, 2024)

A. The Originality Paradox and Nigerian Legal Standards

AI systems increasingly demonstrate the capacity for genuine creativity that satisfies traditional originality requirements. Modern AI can make aesthetic choices, combine disparate elements in novel ways, and produce works that would be considered original if created by humans. However, the mechanistic nature of AI decision-making challenges anthropocentric concepts of creativity.

The Copyright Act 2022's requirement that "*some effort has been expended on making the work, to give it an original character*"³⁵ could theoretically accommodate AI systems that process data and make creative choices. However, the phrase "effort has been expended" may imply human labour that AI systems cannot provide. The Supreme Court in *Compact Disc* did not address this specific question, but its focus on practical ownership rather than creative process suggests potential flexibility in interpretation.

Nigerian courts' historically minimal creativity threshold, following the *Feist* tradition, may prove advantageous for AI-generated works. If originality requires only minimal creativity and independent creation, AI systems capable of making aesthetic and compositional choices might satisfy these standards. The key question becomes whether algorithmic decision-making constitutes the requisite creative effort under Nigerian law.

B. The Fixation Requirement and AI Ephemera

Section 2(2)(b) requires that works be "fixed in any medium of expression known or later to be developed, from which it can be perceived, reproduced or otherwise communicated."³⁶ AI systems readily satisfy the requirement by generating digital files, printed outputs, or other tangible manifestations. However, the dynamic nature of some AI systems creates temporal challenges.

Certain AI systems generate unique outputs for each interaction, making it difficult to identify the specific "work" for copyright purposes. Interactive AI systems that create personalised content in real-time may produce millions of variations, each potentially eligible for protection. Its multiplication effect could overwhelm the copyright system with claims for protection.

Furthermore, some AI systems continuously learn and evolve, potentially altering their creative outputs over time. Consequently, it is unclear whether copyright attaches to the generative system itself or to its discrete outputs, nor how to regulate works that are dynamic post-creation.

C. The Ownership Conundrum and Nigerian Precedents

³⁵ Copyright Act 2022, s 2(2)(a)

³⁶*ibid* s 2(2)(b)

Even if AI-generated works qualify for copyright protection, determining ownership presents complex challenges. Multiple parties may claim legitimate interests: the AI developer who created the system, the operator who provided inputs or prompts, the entity that trained the system, or the organisation that owns the computational resources.

The Supreme Court's analysis in *Compact Disc* provides relevant guidance. The Court's recognition that copyright ownership is acquired "through authorship, assignments or exclusive licences"³⁷ and that CMOs "may initiate copyright infringement actions in their personal capacity as owners, assignees and exclusive licensees of copyright"³⁸ clearly suggests flexibility in ownership arrangements.

Similarly, the Act's work-for-hire provisions offer partial guidance. Section 28(2) provides that works created "under a contract for services, or in the course of employment" vest in the employer.³⁹ This could apply to AI systems operated by employees but fails to address independently operating AI or multi-party development scenarios.

Corporate authorship principles may provide another framework. Section 29 addresses collective works, providing that "copyright in a collective work shall vest in the person on whose initiative or direction the work was created."⁴⁰ This could support arguments that AI system operators or developers hold copyright in AI-generated works through their initiative in creating or directing the AI.

The Nigerian Supreme Court's practical approach in *Compact Disc*, focusing on who has "interest in the subject matter of the suit"⁴¹ rather than abstract authorship concepts, suggests that courts would likely examine actual control and economic investment rather than metaphysical creativity when determining the ownership of AI work.

V. Economic and Policy Considerations for Nigerian Copyright Law

A. Innovation Incentives and the Creative Economy

³⁷Oriakhogba and Erhagbe (n 13) 475

³⁸*ibid*

³⁹ Copyright Act 2022, s 28(2)

⁴⁰*ibid* s 29(a)

⁴¹*MCSN v Compact Disc Technology Ltd* (n 7) 39

The fundamental purpose of copyright law - providing economic incentives for creative production - remains relevant in the AI context. Nigeria's growing interest in AI, with searches increasing by 100 percent since 2022, indicates significant investment in AI technologies that require legal protection to justify continued development. Without copyright protection for AI-generated works, developers may lack incentives to create sophisticated creative AI systems.

The concern becomes particularly acute when considering the substantial investment required for advanced AI development. Training large language models or sophisticated art generation systems requires massive computational resources, extensive datasets, and significant financial investment. If the resulting creative works lack copyright protection, investors may redirect resources toward other protected activities.

Nigeria's position as a leading creative economy in Africa makes this question especially significant.⁴² The creative sector is projected to become the country's second-largest employer with potential to produce 2.7 million jobs by 2025.⁴³ The Supreme Court's recognition in *Compact Disc* that copyright law serves multiple economic functions - protecting individual creators whilst facilitating collective management - suggests an understanding of copyright's role in supporting creative industries that could extend to AI development.

B. International Competitiveness and Regulatory Arbitrage

Nigeria's approach to AI authorship will significantly impact its competitiveness in the global creative market. This is so as jurisdictions that provide clearer protection for AI-generated works may attract greater investment in AI development, creating competitive disadvantages for countries with restrictive approaches.

The international nature of digital markets means that AI developers may forum shop for favourable legal environments. If Nigeria maintains restrictive approaches whilst other jurisdictions offer protection, AI development may migrate to more permissive legal environments and thus reducing Nigeria's participation in the AI economy.

However, the Supreme Court's flexible approach to authorship categories in *Compact Disc*, recognising multiple paths to copyright ownership, suggests that Nigerian law may be better positioned than initially apparent to accommodate AI-generated works through existing frameworks.

C. Public Domain Implications and Collective Management Precedents

⁴² TL First (n 5)

⁴³ *ibid*

Without a doubt, the current approach under the Copyright Act 2022 would place most AI-generated works in the public domain, creating a vast common of freely usable creative content. Whilst this might benefit users and follow-on creators, it could also undermine incentives for AI development and create free-rider problems.

The Supreme Court's extensive analysis of collective management in *Compact Disc* and *Adeokin Records* demonstrates sophistication of the Nigerian law in handling complex ownership arrangements involving multiple parties.⁴⁴ The Court's recognition that persons may "sue either jointly or severally" and that rights may be exercised "in personal or representative capacity"⁴⁵ suggests frameworks that could accommodate AI-generated works.

The Court's emphasis in *Compact Disc* on the "non-retrospectivity" principle - that new legal provisions cannot affect rights already acquired⁴⁶ - provides important precedent for protecting existing AI development investments whilst allowing legislative adaptation for future developments.

VI. The Doctrine of Corporate Authorship as Precedent for AI Works

A. Existing Framework for Non-Human Authorship

Nigerian copyright law already recognises forms of non-human authorship through corporate authorship provisions, as clarified by the Supreme Court in *Compact Disc*. The Court confirmed that copyright ownership may vest in both "natural persons (humans) and legal persons (e.g. corporate entities)"⁴⁷ and that CMOs, as incorporated companies, "can and usually do obtain copyright ownership via assignments and/or exclusive licences."⁴⁸

The recognition of corporate authorship provides a potential framework for AI-generated works created within organisational structures. As noted earlier, the provision of section 29 of the Act that "copyright in a collective work shall vest in the person on whose initiative or direction the work was created"⁴⁹ could support arguments that AI-generated works should vest in the natural or legal persons who initiated or directed the AI system's creative activity.

The Supreme Court's analysis demonstrates Nigeria's willingness to adapt traditional authorship concepts to accommodate institutional creativity, providing precedent for similar adaptation regarding AI-generated works.

⁴⁴*Adeokin Records v MCSN* (n 8); *MCSN v Compact Disc Technology Ltd* (n 7)

⁴⁵*ibid*

⁴⁶*Oriakhogba and Erhagbe* (n 13) 474-475

⁴⁷*Ibid* 475

⁴⁸*ibid*

⁴⁹ Copyright Act 2022, s 29(a)

B. Automatic Copyright Protection Principles

Nigerian law recognises that copyright protection is automatic upon creation of eligible works. Section 4 provides that “eligibility for copyright under this Act shall not require any formality,”⁵⁰ and Section 18 provides that “copyright shall commence when the work is created or made.”⁵¹

The Supreme Court in *Compact Disc* emphasised automatic protection principle, noting that “standing to sue does not depend on the success or merit of the claim but on the interest of the plaintiff in the subject matter of the suit.”⁵² The above suggests that AI-generated works meeting statutory criteria would receive protection without requiring specific legislative recognition of AI authorship.

C. Implications for AI-Generated Works

The corporate authorship framework, as interpreted by the Supreme Court, provides several precedents relevant to AI-generated works. Firstly, it demonstrates that Nigerian law can accommodate creation by non-human entities where there is appropriate human involvement and institutional responsibility. Secondly, it shows flexibility in adapting traditional authorship concepts to modern creative arrangements. Thirdly, it provides a mechanism for vesting copyright ownership in entities capable of exercising and enforcing rights.

The Supreme Court’s emphasis on practical ownership questions rather than abstract authorship concepts suggests that Nigerian courts would likely focus on who controls the AI system, bears responsibility for its outputs, and has legitimate economic interests in the resulting works.

VII. Proposed Framework for AI Authorship in Nigerian Copyright Law

A. Three-Tier Recognition System

Building on the Supreme Court’s recognition of multiple authorship categories in *Compact Disc*, this paper proposes that Nigeria adopt a three-tier system for addressing AI creativity that balances innovation incentives with traditional copyright principles:

- i. Tier 1: Human-AI Collaborative Works: Works involving substantial human**

⁵⁰*ibid* s 4

⁵¹*ibid* s 18

⁵²*MCSN v Compact Disc Technology Ltd* (n 7) 39

creative input alongside AI assistance should receive full copyright protection under joint authorship principles. This tier would cover scenarios where humans provide creative direction, select from AI outputs, or substantially modify AI-generated content. The human contributor would hold rights alongside the AI system's legal representative (typically the developer or operator). The approach builds on the Supreme Court's recognition in *Compact Disc* that persons may "sue either jointly or severally"⁵³ and that copyright may be exercised through various ownership arrangements.

ii. ***Tier 2: AI-Assisted Human Creation: Works where AI functions primarily as an***

advanced tool in human creation would receive standard copyright protection for the human author. This category includes AI that enhances human creativity - such as grammar assistance, colour palette suggestions, or harmony recommendations - without making independent creative choices. The tier preserves traditional human-centric authorship whilst acknowledging AI's role as a sophisticated creative tool, consistent with the Supreme Court's practical approach to ownership determination.

iii. ***Tier 3: Autonomous AI Generation: Works generated entirely by AI systems without***

meaningful human creative input would receive *sui generis* protection for a shorter duration (proposed: 25 years from creation). This protection would be weaker than full copyright but sufficient to provide development incentives whilst ensuring eventual public domain entry. The approach recognises AI's creative capacity whilst maintaining the distinction between human and artificial creativity, building on Nigerian law's existing flexibility in duration calculations for different work categories.

B. Ownership Framework

The proposed framework would address ownership through modified corporate authorship principles, drawing on the Supreme Court's analysis in *Compact Disc*: For collaborative works (Tier 1), ownership would vest jointly in the human contributor and the legal entity controlling the AI system. The Supreme Court's recognition that rights may be exercised jointly or severally provides precedent for such arrangements. Joint ownership would require agreement between parties for exploitation, encouraging licensing arrangements and cooperation.

For autonomous AI works (Tier 3), ownership would vest in the entity that bears legal responsibility for the AI system's operation, following the principle

⁵³*ibid*

established in *Compact Disc* that copyright vests in those with legitimate “interest in the subject matter.”⁵⁴ This typically would be the AI developer, system operator, or commissioning party, depending on contractual arrangements.

C. Moral Rights Adaptation

The proposed framework would adapt moral rights for AI contexts, building on existing Nigerian precedents:

- i. Attribution Rights:** AI-generated or assisted works would require clear labelling indicating AI involvement. This protects both human creators (ensuring they receive appropriate credit) and consumers (providing transparency about work origins). The transparency requirement builds on existing attribution requirements in Section 14(1)(a).⁵⁵
- ii. Integrity Rights:** Only human authors would possess traditional integrity rights. AI-generated works would have limited protection against derogatory modification, primarily focused on preventing misrepresentation of AI capabilities or deliberate degradation of AI system reputation.
- iii. Adjustment of Duration:** Moral rights would last only for the duration of economic rights, consistent with the Act's current approach but adapted for AI works' shorter protection periods.

VIII. Implementation Considerations and Nigerian Legal Context

A. Legislative Amendments Required

Implementing the proposed framework would require several amendments to the Copyright Act 2022, building on existing provisions clarified by the Supreme Court:

- 1. Definition Expansion:** Section 108's interpretive provisions should explicitly address AI authorship and define “artificial intelligence system” for copyright purposes, whilst maintaining compatibility with the Supreme Court's recognition of multiple authorship categories.
- 2. Eligibility Modification:** Section 2 should be amended to include AI-generated works within the eligibility framework whilst maintaining human authorship as the primary standard, consistent with the Court's emphasis on practical ownership interests.

⁵⁴*ibid*

⁵⁵ Copyright Act 2022, s 14(1)(a)

3. **Duration Provisions:** Section 19 should include specific duration rules for AI-generated works, avoiding the life-plus-seventy formula inappropriate for non-human authors whilst building on existing corporate duration frameworks.
4. **Ownership Clarification:** Sections 28-30 should explicitly address AI work ownership, providing default rules subject to contractual modification, following the Supreme Court's flexible approach to ownership arrangements.

B. Building on Existing Legal Principles

The proposed amendments would build on established Nigerian copyright principles rather than creating entirely new doctrines. The Supreme Court's analysis in *Compact Disc* of corporate authorship and automatic protection provides a foundation for non-human authorship recognition. The Court's emphasis on practical ownership questions rather than abstract creativity concepts suggests compatibility with AI authorship recognition.

The existing flexibility in ownership arrangements, as demonstrated by the work-for-hire and collective works provisions interpreted in *Compact Disc*, suggests that Nigerian law can accommodate the complex ownership questions raised by AI-generated works. The Supreme Court's focus on "interest in the subject matter of the suit"⁵⁶ provides a practical test for determining ownership in the absence of express contractual arrangements.

C. International Coordination and Treaty Compliance

Nigeria's AI copyright approach should coordinate with international developments whilst maintaining the flexibility demonstrated in domestic jurisprudence:

- i. **Berne Convention Compliance:** Any AI authorship recognition must maintain compliance with Berne Convention national treatment obligations⁵⁷ whilst preserving Nigeria's sovereignty over domestic copyright policy. The Supreme Court's practical approach to authorship suggests potential compatibility with international requirements.
- ii. **Bilateral Agreement Implications:** Nigeria's bilateral copyright agreements may need renegotiation to address AI works, particularly regarding reciprocal recognition of AI authorship across jurisdictions.

⁵⁶*MCSN v Compact Disc Technology Ltd* (n 7) 39

⁵⁷ Berne Convention for the Protection of Literary and Artistic Works (1886)

- iii. ***Regional Harmonisation:*** Nigeria should coordinate with other African jurisdictions to develop consistent regional approaches, building on the Supreme Court's precedents whilst facilitating intra-African creative commerce.

IX. Addressing Potential Objections

A. The Consciousness Objection

Critics may argue that copyright protection requires conscious creative intent that AI systems lack. However, the objection conflates the metaphysical question of consciousness with the practical question of creative output evaluation. The Supreme Court's emphasis in *Compact Disc* on practical ownership interests rather than abstract creativity concepts supports the pragmatic approach.

Furthermore, corporate authorship already demonstrates that copyright law accommodates non-conscious entities. The Supreme Court's recognition that corporations "can and usually do obtain copyright ownership"⁵⁸ through various mechanisms provides precedent for protecting works created by non-human entities. Extending similar treatment to AI systems represents conceptual consistency rather than revolutionary change.

B. The Human Displacement Concern

Some may fear that recognising AI authorship will displace human creators and reduce their economic opportunities. However, the proposed tiered system preserves human primacy whilst acknowledging technological reality. Again, the Supreme Court's flexible approach to multiple authorship categories in *Compact Disc*⁵⁹ suggests that Nigerian law can accommodate both human and AI interests simultaneously.

Moreover, providing legal clarity for AI works may actually benefit human creators by establishing clear frameworks for human-AI collaboration and ensuring appropriate attribution for human contributions. The transparency requirements in the proposed framework would ensure that human contributions receive proper recognition, building on existing attribution requirements.

C. The Slippery Slope Argument

⁵⁸Oriakhogba and Erhagbe (n 13) 475

⁵⁹*MCSN v Compact Disc Technology Ltd* (n 7) 7 and 9

On the other hand, opponents might argue that recognising AI authorship opens the door to copyright claims by other non-human entities. However, AI systems' unique characteristics - particularly their capacity for decision-making and creative output - distinguish them from other potential claimants. The proposed framework's specificity to AI systems addresses this concern through targeted rather than general expansion of authorship concepts.

The Supreme Court's detailed analysis of different authorship categories in *Compact Disc*⁶⁰ demonstrates that Nigerian law can make principled distinctions between different types of creators without opening floodgates to inappropriate claims. The Court's practical focus on legitimate economic interests provides a principled basis for determining which non-human entities merit recognition.

X. Conclusion

The intersection of artificial intelligence and copyright law represents one of the most significant challenges facing intellectual property systems worldwide. Nigeria's Copyright Act 2022, whilst representing substantial modernisation of the country's copyright framework, does not adequately address the reality of AI creativity that increasingly permeates the creative economy.

However, the Nigerian Supreme Court's decisions in *MCSN v Compact Disc Technology Ltd* and *Adeokin Records v MCSN* provide crucial precedents that could facilitate adaptation to AI-generated works. The Court's recognition of multiple authorship categories, emphasis on practical ownership interests rather than abstract creativity concepts, and flexible approach to corporate authorship all suggest that Nigerian copyright law possesses greater adaptability to AI challenges than initially apparent.

The comparative analysis reveals that other jurisdictions are beginning to grapple with these challenges through various approaches, from India's joint authorship innovation to China's corporate framework extension. These international developments demonstrate both the urgency of addressing AI authorship and the variety of potential solutions available to Nigeria. The Nigerian Supreme Court's pragmatic jurisprudence suggests compatibility with the most practical international approaches.

The proposed three-tier framework offers a balanced approach that preserves human primacy in copyright law whilst acknowledging the growing contributions of AI's creativity. By building on the Supreme Court's recognition of multiple authorship categories and automatic protection mechanisms, this approach could provide clear ownership frameworks, appropriate duration limits, and adapted moral rights provisions. This would position Nigeria as a

⁶⁰*ibid*

leader in AI copyright policy whilst protecting both human creators and AI developers.

The economic stakes of this decision are substantial. As Nigeria's creative economy continues to grow and AI adoption accelerates, the country's approach to AI authorship will significantly impact its competitiveness in global creative markets. The Supreme Court's flexible jurisprudence provides a foundation for proactive policy development that could attract AI investment and support the growth of creative industry.

Nigerian copyright law's existing flexibility in accommodating corporate authorship and automatic protection principles, supported by Supreme Court's decisions, provides a solid foundation for addressing AI authorship. The Court's emphasis on practical ownership questions and legitimate economic interests offers a framework that could accommodate AI creativity without abandoning traditional copyright principles.

Ultimately, the question is not whether AI will impact copyright law, but how quickly and effectively legal systems will adapt to technological reality. Nigeria has an opportunity to lead this adaptation through thoughtful, balanced reform that builds on the Supreme Court's pragmatic jurisprudence whilst serving both traditional copyright objectives and emerging technological needs.

The Copyright Act 2022, when interpreted through the lens of Supreme Court precedents, provides a foundation for this evolution. With targeted amendments building on existing corporate authorship principles and the Court's flexible approach to ownership arrangements, Nigeria can develop an AI copyright framework that promotes innovation, protects creators, and maintains its position as a leading creative economy in the digital age. The choice facing Nigerian policymakers is not whether to address AI authorship, but how to do so in a manner that builds on existing jurisprudential strengths whilst serving the country's creative and economic interests in the twenty-first century.