FOURTH REPUBLIC
7TH NATIONAL ASSEMBLY
SECOND SESSION
NO. 146

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

ORDER PAPER

Tuesday, 14 May, 2013

1. **Prayers**
2. **Approval of the Votes and Proceedings**
3. **Oaths**
4. **Message from the President of the Federal Republic of Nigeria (*if any*)**
5. **Message from the Senate of the Federal Republic of Nigeria (*if any*)**
6. **Other Announcements (*if any*)**
7. **Petitions (*if any*)**
8. **Matter(s) of Urgent Public Importance**
9. **Personal Explanation**

PRESENTATION OF BILLS

1. Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act (Amendment) Bill, 2013 (HB. 446) (*Hon. Bassey Dan-Abia*) — *First Reading*.

2. Police Bail (Prohibition of Payment of Fees) Bill, 2013 (HB. 499) (*Hon. Ogunnusi Michael Abayomi*) — *First Reading*.

3. Technical Aid Corps Bill, 2013 (HB. 500) (*Hon. Sokonte Davies and* 26 *Others*) — *First Reading*.

4. Environmental Impact Assessment Act (Amendment) Bill, 2013 (HB. 501) (*Hon. Ogunnusi Michael Abayomi*) — *First Reading*.

5. Caller Location Information Bill, 2013 (HB. 503) (*Hon. Emmanuel Jime*) — *First Reading*.

6. Explosives Act (First Amendment) Bill, 2013 (HB. 505) (*Hon. Emmanuel Jime*) — *First Reading*.

7. Driving Learners (Prohibition) Bill, 2013 (HB. 444) (*Hon. Olusegun Odebunmi Dokun*) — *First Reading*.

ORDERS OF THE DAY

MOTION

1. **Urgent Need to Investigate the Activities of the Nigerian Copy Right Commission:**
Hon. Ndudi Elumelu:
The House:

Notes that the Rule of law implies that every citizen is subject to the provisions of the law operating in the Country without regard for mundane considerations;

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Further notes that the Rule of law is a critical component of a Democratic Society like Nigeria and without its operation, anarchy and disorderliness would be entrenched in the Society;

Aware that the Musical Copyright Society of Nigeria (MCSN) was incorporated in 1984 as a Company Limited by Guarantee under the Laws of Nigeria and carries on business of collecting society or collective management organization by acquiring copyright property interests in a vast repertoire of music, audio-visuals and related rights from interested Musicians;

Further aware that as at the time the Musical Copyright Society of Nigeria (MCSN) was incorporated in 1984, Nigeria did not have any Law regulating Copyright matters or Collecting Society Business and in 1988 a Copyright Decree was promulgated by the Military Regime which was amended in 1992 and 1999 respectively before the Copyright Act 2004 was enacted by this National Assembly. The rights of the Musical Copyright Society of Nigeria (MCSN) was preserved by Section 52 and Clause 3 of the Fifth Schedule of the Copyright Act 2004 being an existing Organization under the Transitional Provisions;

Worried that the Nigerian Copyright Commission (NCC), being a Commission established by law to regulate the Copyright industry and Collecting Society Business denies the application of the Musical Copyright Society of Nigeria (MCSN) for licence to operate as a Collecting Society pursuant to the request of the Nigerian Copyright Commission in 2008, 2009 and recently in the Commission's letter of May 20, 2012 respectively;

Further worried that the Nigerian Copyright Commission ought to approve the application of the Musical Copyright Society of Nigeria (MCSN) for licence to operate as a Collecting Society being an existing organization which predates the Commission itself having been in existence since 1984 but flabbergasted that a new organization called the Copyright Society of Nigeria (COSON) which came into existence in 2010 (26 years after) was granted license to operate as a Collecting Society;

Concerned that the Musical Copyright Society of Nigeria (MCSN) took steps to address the perceived injustice and obtained an Order of Court in Suit No: FHC/L/CS/678/10: MCSN & OTHERS VS NCC & OTHERS directing Musical Copyright Society of Nigeria (MCSN) to continue its operation without any disturbance from Nigerian Copyright Commission but the Director General and Officials of the Nigerian Copyright Commission (NCC) refused to comply with the said Order;

Further concerned that the Nigerian Copyright Commission (NCC) continued to disturb the business of Musical Copyright Society of Nigeria (MCSN) by carting away their files, computers, arresting and prosecuting its Staff on phantom Charges which were later struck out for want of diligent prosecutions notwithstanding the Judgment of the Federal High Court, Lagos in Suit No. FHC/L/CS/35/2008 (MCSN & OTHERS VS NCC & OTHERS) on July 25, 2011 which stated *inter alia*

> "*Nothing in the Copyright Act denies the owner, the assignee or the exclusive licensee of a copyright the right to collect royalties for performances of their works in public, or to transact commercially with anybody in respect of such works, or to appoint agents to claim and enforce directly their rights under Section 6 of the Copyright Act and I so hold. The offence of purporting to perform the duties of a society without the approval of the Copyright Commission created by Section* 39 *of the Copyright Act, cannot and does not relate to the activities of owners, assignees and exclusive licensees of copyright, and I so hold. Any provision of any statute that in any way seeks to curb the enjoyment of property rights, to subjugate or detract from same without any discernible purpose other than the registration and monitoring of same is unconstitutional, and I so hold. Any statutory provision that seeks to criminalize the purposeful protection of property rights by those in whom such rights are vested in unconstitutional, null and void and I so hold. Whatever else it seeks to do, the provision of Section* 39 *of the Copyright Act do not seek to hinder} encumber or restrict the private enforcement of property rights by the owners} assignees and exclusive licensees of copyright; nor does it intend to criminalize such private enforcement and to the extent the Act suggests such criminalization; it is unconstitutional} null and void*";

Disturbed that there is a huge agitation and restiveness by members of the Musical Copyright Society of Nigeria (MCSN) on the perceived reckless attitude of the Director General and Officials of the Nigerian Copyright Commission and a breakdown of law and order capable of affecting the economy and preservation of law and order in the country is looming in the Music industry unless certain pro active steps are taken to arrest the ugly situation;

Further disturbed that the country is losing over ₦100,000,000,000.00 (One Hundred Billion Naira) annually by this unnecessary institutional bottleneck created by the Director General and management of the Nigerian Copyright Commission (NCC) to the detriment of the economic growth of the country and this action is capable of derailing the transformation agenda of the current administration relating to economic development if nothing concrete is done to address the situation.

Resolves to:

(*i*) Urge the Federal Government to mandate the Director General and management of the Nigerian Copyright Commission (NCC) to observe the Rule of Law and respect all Orders and Judgments given by the Court in the legal tussle with the Musical Copyright Society of Nigeria (MCSN);

(*ii*) further urge the Nigerian Copyright Commission (NCC) to address the issue of granting license to the Musical Copyright Society of Nigeria (MCSN) to operate as a Collecting Society having been in existence prior to any Collecting Society in Nigeria in order to avoid monopoly in the Collecting Societies business in the Country and liberalize the industry in line with international best practices;

(*iii*) direct the Committees on Justice and Judiciary to conduct a joint investigative hearing on the activities of the Nigerian Copyright Commission (NCC) and also engage the Musical Copyright Society of Nigeria (MCSN), Copyright Society of Nigeria (COSON) and other stakeholders to address the issue of perceived monopoly in the Collecting Society Business in the country.

CONSIDERATION OF REPORTS

2. Committee on Health:
Hon. Ndudi Godwin Elumelu:
"That this House do resume the consideration of the Report of the Committee on Health on a Bill for an Act to Establish the Federal College of Dental Technology and Therapy, Enugu and to Provide for Courses leading to the award of Degrees, Diplomas and Certificates in Dental Technology, Dental Therapy, Other Related Courses and for Other Related Matters and approve the Recommendations therein" (HB. 251) *(Adjourned Consideration*: 7/5/2013)".

3. A Bill for an Act to Establish the Federal Capital Territory Water Board and for Matters Connected Therewith (HB. 293) (*Committee of the Whole*: 11/7/2012).

4. Committees on Justice, Police Affairs and Human Rights:
Hon. Ali Ahmad:
"That this House do consider the Report of the Committees on Justice, Police Affairs and Human Rights on a Bill for an Act to Prohibit Kidnapping and Hostage taking; proscribed Punishment for their contravention and to Provide for Other Matters Relating Thereto and approve the Recommendation therein" (HB. 76) (*Laid*: 28 6/2012)".

5. Committees on Interior and Justice:
Hon Umar Bature:
"That this House do consider the Report of the Committees on Interior and Justice on a Bill for an Act to Provide for and Regulate Community Service for Offenders in certain cases and to Provide for Related Matters (HB. 29) and approve the Recommendations therein" (*Laid*: 12/12/2012)".

COMMITTEE MEETINGS

	Committee	*Date*	*Time*	*Venue*
1.	Rules and Business	Tuesday, 14 May, 2013	2.00 p.m.	Committee Room 06 Assembly Complex
2.	Emergency and Disaster Preparedness	Tuesday, 14 May, 2013	2.00 p.m.	Committee Room 437 New Building (House) Assembly Complex
3.	Steel (*with Hon. Minister of Mines and Steel Development*)	Tuesday, 14 May, 2013	2.00 p.m.	Committee Room 144 New Building (House) Assembly Complex

4.	ICT and Justice (*Joint Public Hearing on Cyber Security Bill,* 2011)	Tuesday, 14 May, 2013	2.00 p.m.	Committee Room 1 Assembly Complex
5.	Environment and Senate Committee on Environment (*Joint Interactive Session with the Hon. Minister of Environment*)	Tuesday, 14 May, 2013	2.00 p.m.	Committee Room 0.22 New Building (House) Assembly Complex