

COPYRIGHT EXPLOITATION: MAINFRAME PRODUCTIONS AS A CASE STUDY OF THE FILM, TELEVISION AND NEW MEDIA MARKETS, WITHIN AND WITHOUT.

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Our experience as a production company in attempting to exploit our copyright is the subject of this case-study. I will go through our back catalogue and enumerate our successes and failures chronologically.

I will also look at the newer problems that may justify changes to the legal framework and outline the benefits of strong copyright laws and the problems that digital technologies pose for copyright owners, before discussing the suggested solutions to these problems in the following section.

The bundle of rights which we normally have to exploit are: domestic and international exhibition rights, reproduction rights, broadcast rights, video-on-demand-rights, download rights, copyright in sound recordings and the original soundtrack, opportunities also avail one from time to time to promote the films at Film Festivals. We have had such opportunities at the Rotterdam International Film Festival, The African Film Festival in New York, the Barbados Festival of African and Caribbean Films, the Amiens Film Festival, the Los Angeles International Film Festival, Toronto International Film Festival, Pan African Film Festival, Los Angeles, Capetown International Film Festival and The Pan African Film Festival, Ouagadougou, Burkina Faso. Sponsorship rights and product placements are also a means of generating more income streams as the copyright holder.

Having been at this workshop and listening to the various speakers since yesterday, I ask myself, 'how did we manage to build even the semblance of an industry on so much ignorant behavior'?

We make a movie and lines in the film and phrases in the sound track become parts of popular music. Lagata, Kole ye won, Ole ku fashion. Actors go away with the name of their characters. One of our star actors in Saworo-Ide email is aresejabata2000@yahoo.com. The way our society is configured at present, it will be scandalous to challenge any of these people.

Ti Oluwa ni Ile Pts 1,2 &3 1993

Our first feature-length video is Ti Oluwa ni Ile, produced in three parts. In this project, I collaborated with one of the popular artists of the Yoruba traveling theatre tradition. He supplied a storyline which I developed into a screenplay and he acted in the lead role. We did not sign any agreements; all we had was a set of general understanding to reciprocate goodwill.

We released the film and it was very successful. A few months after the release, a young man phoned me to make an appointment to discuss the film. When he arrived he claimed to have been the person who told the story to my collaborator. He supported his assertion by telling me that it is a true story which was still unfolding in his village. He also informed me that he plans to go back to his village in due course to know where things stand on the story.

We did not have any major crises as a result of this experience but this was my induction into the minefield of intellectual property issues.

Ti Oluwa ni ile, was released on video in 1992. Subsequently it was released on VCD, DVD and it is still selling. In fact, each time we release a new film, the sales on all our previous films get a new lease of life.

Proudly Africa Media and the MTN aired all the films on select television stations within Nigeria after negotiating broadcast rights.

We believe Ti Oluwa ni ile and some of the other films are now ripe for release in some forms of digital download as soon as we can find the right e-Commerce platform.

Most of our other films, Ayo ni mo fe Pts 1&2, Kosegbe 1995, O le Ku Pts 1&2 1997, Saworo Ide 1999, White Handkerchief 2000, Thunderbolt:Magun 2001, Agogo Eewo 2002, The Campus Queen 2004, Abeni 1 &2 2006, Narrow Path 2007 have had very similar trajectories.

In addition, most of them were licensed for a while to Africast TV in the US but not much profitable exploitation of the copyright ensued. Africast TV is a subscription-based broadcaster of African television and films over broadband Internet.

White Handkerchief 2000

The short film White Handkerchief paints a very interesting story. Tell About 3 years after we had exhibited this short from time to time, M-Net acquired the pay-tv rights in Africa as well as the internet/interactive/broadband rights to this film in a territory now described as Africa and Adjacent ocean.

Thunderbolt:Magun 2001

In addition to the path described above, Thunderbolt was also licensed California Newsreel; which placed it on the catalogue of selected African films distributed through-out universities in the US. This was the only occasion we were paid advance royalties of \$5,000 which was deducted every year until last year. And later on licensed, for a while to Africast. A much more profitable exploitation was undertaken by M-Net Ltd to whom certain rights were assigned. In fact they now own the rights in perpetuity.

ABENI 1

This was a joint production between Mainframe Productions Limited and Laha Productions Cotonou in the spirit of economic and cultural integration in West Africa. The distribution and marketing was handled to Nollywood Blockbusters Limited but after a year, upon diverse problems between them and a third party marketer, in the best interests of all parties, we had to terminate the agreement and use our traditional means to press and distribute the product.

Abeni 2 2007

This was also a joint production between Mainframe Productions Limited and Laha

Productions Cotonou. In view of our earlier success with the first Abeni 1.

Arugba 2008

For our current release we have decided not to reproduce for home viewing yet. We are now using our mobile cinema facilities as well as screening in select cinema facilities. So far, the film has been very successful at the Silverbird Cinema to which Ben Bruce gave testimony here yesterday. We shall proceed with the DVD release, only after we have made sufficient returns on our investment in alternative channels.

New Media

A problem now exists whereby not only is reproduction democratised so to speak but so also is the distribution. I was alarmed a few weeks ago to find that all our films had been chopped up into 10 minute segments and uploaded to Youtube. We are in the process of bringing the culprits to book.

As if the problems were not great enough, these types of infringements occur across various jurisdictions requiring expensive intellectual property law counsel in various jurisdictions as well and the territorial limitations exacerbate the problem.

Considering the global reach of new media, we have already undertaken subtitling of some of our film not only in English, but also in French and Portuguese. We have particularly chosen Portuguese because of the historical and cultural affinity of Yoruba and Brazilian societies.

Intellectual Property and Communal Ownership

As a producer a deal of my materials come from the Yoruba cultural heritage. Folk songs, folk tales, folk wisdom, procession and various other materials of intellectual value that are rightfully owned by geographical communities, communities of worshipers and various cult groups. I foresee challenges ascribing ownership of these intellectual properties. It is my opinion, that intellectual property laws that developed around the experiences of individualistic European and North American communities need to be appropriated into the communal experiences of African communities.