



Media Convergence and Intellectual Property Rights in Nigeria: Legal and Regulatory Challenges in the Digital Age

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ABSTRACT

Background: The rapid growth of digital media has led to significant convergence of media platforms, raising critical concerns about intellectual property rights. This is more so in developing countries such as Nigeria with weak legal and regulatory frameworks.

Objective: This study investigated the legal and regulatory frameworks governing media convergence and intellectual property rights in the digital age in Nigeria; assess the impact of media convergence on content creation, distribution and consumption; and identify the strategies through which policymakers, content creators, and regulatory bodies can effectively address the legal and regulatory challenges posed by media convergence.

Method: The library research approach was employed, utilizing various libraries and databases, including the University of Benin Library, National Library of Nigeria, JSTOR, Google Scholar, ScienceDirect, and IEEE Xplore.

Results: Findings indicate that existing legal and regulatory frameworks are inadequate to address the complexities of media convergence. Comprehensive reviews and updates of intellectual property laws and regulations are necessary to incorporate provisions for digital rights management, fair use, and copyright infringement.

Conclusion: The study concludes that existing legal and regulatory frameworks governing media convergence and intellectual property rights in Nigeria are inadequate in addressing the challenges posed by the digital age and there is a pressing need for comprehensive review and updates of intellectual property laws and regulations to adapt to the rapidly evolving media landscape

Unique Contribution: This research contributes to understanding the intersection of media convergence, intellectual property rights, and digital innovation in Nigeria. It also provides valuable insights for policymakers, industry stakeholders, and content creators navigating Nigeria's digital media landscape.

Key Recommendations: It was recommended that policymakers should review and update laws to address digital rights management, fair use, and copyright infringement; encourage partnerships among content creators, distributors, and technology companies; and promote education and training on intellectual property rights and digital media for stakeholders.

Keywords: Media convergence, Intellectual property rights, Legal and regulatory challenges, Digital age, Diffusion of Innovation Theory.



INTRODUCTION

In the digital age, media convergence has revolutionized the way we create, consume, and distribute contents. The integration of various media platforms, technologies, and content into a unified digital environment has given rise to new opportunities and challenges for content producers, distributors, and consumers (Onyejelem, 2023). However, with this convergence comes the need to address legal and regulatory challenges, particularly in the realm of intellectual property rights (IPR). Media convergence, as defined by Jenkins (2006), refers to the merging of previously distinct media platforms, technologies, and content into a unified digital landscape. Traditional forms of media such as television, radio, newspapers, and magazines have become intertwined with digital platforms like the internet, social media, and mobile devices. This convergence has transformed the media industry, creating new opportunities for content creators to reach larger audiences and for consumers to access a diverse range of content through multiple devices (Chibuwe, & Nwafor, 2012).

At the heart of media convergence lies the issue of intellectual property rights. Onyejelem & Duru (2018) aver that intellectual property encompasses various forms of intangible assets, including copyrights, trademarks, patents, and trade secrets. These rights grant creators and innovators exclusive control over their intellectual works, ensuring that their efforts are protected and rewarded. However, in the digital age, the ease of digital reproduction, distribution, and remixing has posed significant challenges to the enforcement of intellectual property rights (Nwaoboli, 2023). The legal and regulatory challenges in the context of media convergence and intellectual property rights are multifaceted. One of the key challenges is copyright infringement, as digital technologies have made it increasingly difficult to protect copyrighted content from unauthorized use and piracy (Nwaoboli, 2023). The proliferation of digital platforms and user-generated content has also raised questions about fair use and transformative works, blurring the boundaries between original works and derivative creations. Additionally, the licensing and distribution of digital content present challenges in terms of revenue distribution, fair competition, and ensuring that content creators receive appropriate compensation for their work (Batsell, 2015).

Moreover, the global nature of the internet has introduced cross-border jurisdictional issues, making it challenging to enforce intellectual property laws consistently across different countries (Onyejelem & Duru, 2018). The harmonisation of regulatory frameworks and the establishment of effective mechanisms for cross-border cooperation are essential to address these challenges. Furthermore, as media convergence involves the collection and analysis of vast amounts of user data, privacy and data protection have become vital concerns that regulators must address (Garcia, 2006; Aligwe, Nwankwo, & Nwafor, 2017). Media convergence and its impact on intellectual property rights present significant legal and regulatory challenges in the digital age. Researchers have extensively studied the complexities of media convergence and the need to address intellectual property rights in this evolving landscape. However, there are still research gaps that need to be addressed to provide a comprehensive understanding of the legal and regulatory frameworks required to navigate these challenges effectively.



Research by Jenkins (2006) highlights the transformative nature of media convergence and its implications for content creation, distribution, and consumption. Jenkins emphasizes the need to adapt regulatory frameworks to accommodate the changing media landscape. However, the specific legal and regulatory challenges presented by media convergence and intellectual property rights require further exploration. Lessig (2008) focused on the concept of remix culture and the tension between copyright protection and creative freedom in the digital environment. While Lessig's work sheds light on the need for a balanced approach to intellectual property rights, there is a gap in literature in the aspect of understanding the practical implications and regulatory strategies to achieve this balance. To address these research gaps, this study provides a comprehensive understanding of the legal and regulatory challenges arising from media convergence and their impact on intellectual property rights in the digital age. It analyses the current legal frameworks, identifies gaps and limitations, and propose strategies to address these challenges effectively.

Research Objectives

The objectives of this study were to:

1. examine the legal and regulatory frameworks governing media convergence and intellectual property rights in the digital age in Nigeria.
2. assess the impact of media convergence on content creation, distribution and consumption in Nigeria
3. Identify the strategies through which for policymakers, content creators, and regulatory bodies can effectively address the legal and regulatory challenges of media convergence.

CONCEPTUAL REVIEW

Media Convergence

Media convergence is a complex and multifaceted concept that has been defined and explored by various scholars. Aduda (2016) provides a comprehensive definition that encompasses multiple dimensions of media convergence. According to Aduda (2016), media convergence involves the flow of content across different media platforms, where audiences actively seek out their desired entertainment experiences. This dynamic process is facilitated by the collaboration between diverse media industries, which work together to create and distribute content across various platforms. Aduda (2016) highlights the active participation of audiences in navigating and engaging with these converged media environments. Castells (2009) focuses on the corporate aspect of media convergence. He emphasizes the consolidation of previously separate media systems under the control of a single corporation or a set of corporate interests. Castells (2009) argues that media convergence involves the merging of traditional media platforms such as print, radio, television, and the Internet into a unified entity, often controlled by a dominant player in the media industry. This perspective draws attention to the concentration of media ownership and the implications of corporate control over diverse media platforms.

Ekwo (2011) takes a broader view of media convergence by considering its technological, industrial, cultural, and social dimensions. He highlights how technological advancements have



enabled the convergence of previously distinct media industries, resulting in changes across various sectors. Media convergence has led to shifts in industrial practices, as well as cultural and social transformations. This perspective recognizes the profound impact of media convergence on society, including changes in media consumption patterns, audience behaviors, and the overall media landscape. Grant & Wilkinson (2009) provide a definition that focuses on the merging of media technologies, industries, and content forms. They argue that media convergence leads to the creation of new media technologies, the emergence of novel industry structures, and the blurring of boundaries between different media platforms. This blurring of boundaries results in transformed media systems that require new approaches and strategies for content creation, distribution, and consumption. It also highlights the need for regulatory frameworks that can effectively address the challenges posed by these converging media environments.

Intellectual Property Rights (IPR)

Intellectual Property Rights (IPR) encompasses legal protections for various forms of intellectual creations (Aligwe, Nwafor, & Nwasum, 2017). These protections are crucial for fostering innovation, creativity, and cultural expression while ensuring that creators and inventors can benefit from their work. Intellectual Property Rights (IPR) play a vital role in protecting various forms of intellectual creations, fostering innovation, creativity, and cultural expression, while ensuring that creators and inventors can reap the benefits of their work. According to the World Intellectual Property Organisation (WIPO), there are different definitions and explanations of IPR provided by scholars and experts, each offering unique perspectives. Firstly, patents are exclusive rights granted to inventors, typically lasting for 20 years, which enable them to control the use, manufacture, and commercialisation of their inventions. Patents serve as incentives for inventors to disclose their inventions to the public, stimulating technological progress and further research and development (Grant & Wilkinson, 2009).

Secondly, copyright protects original works of authorship, such as literature, music, films, and software. It grants creators exclusive rights to reproduce, distribute, publicly perform, and display their works. Copyright ensures that creators have control over their creations and can derive financial benefits from them. It also serves as a mechanism to encourage cultural expression and the dissemination of knowledge, striking a balance between protecting the rights of creators and promoting the public interest in accessing and enjoying creative works (Ginsburg & Litman, 2001).

Thirdly, trademarks safeguard distinctive signs, symbols, names, and logos that distinguish goods or services in the marketplace. Trademarks provide exclusive rights to their owners and help consumers identify and associate specific products or services with a particular brand. Trademark registration prevents others from using similar marks that may cause confusion among consumers. By establishing brand reputation, loyalty, and fair competition, trademarks protect consumers from deception or inferior products (Dinwoodie & Janis, 2018).

Also, trade secrets encompass confidential information used in business operations, such as formulas, manufacturing processes, customer lists, and marketing strategies. Unlike patents or copyrights, trade secrets rely on maintaining secrecy to preserve their value. Protecting trade



secrets allows businesses to maintain a competitive advantage by safeguarding proprietary information. This, in turn, fosters innovation by encouraging businesses to invest in research and development without the need for public disclosure (Landes & Posner, 2003).

LITERATURE REVIEW

Legal and regulatory frameworks governing media convergence and intellectual property rights in the digital age

Legal and regulatory frameworks governing media convergence and intellectual property rights in the digital age have undergone significant developments to address the unique challenges posed by the digital environment. Copyright law, as a fundamental framework, grants creators exclusive rights over their original works and has adapted to the digital landscape. It ensures that creators have control over the use, reproduction, distribution, and public performance of their works (Jamil, 2020).

Digital Rights Management (DRM) technologies have emerged as mechanisms to control access to digital content and protect intellectual property rights. However, concerns have been raised about the potential negative impacts of overly restrictive DRM measures on user rights, fair use, and innovation. International treaties and agreements provide a framework for international cooperation and the protection and enforcement of intellectual property rights in the digital age. Organisations like the World Intellectual Property Organisation (WIPO) administer these treaties, which aim to establish harmonized standards and regulations (Huang & Don, 2007).

Fair use (in the United States) and fair dealing (in many other countries) are legal doctrines that permit limited use of copyrighted material without seeking permission from the copyright holder. These doctrines strike a balance between the rights of creators and the public interest in accessing and using copyrighted works for purposes such as criticism, commentary, education, and research. In the digital age, online copyright enforcement mechanisms and frameworks have been developed to address infringement issues. Notice and takedown procedures allow copyright holders to request the removal of infringing content from online platforms. Graduated response systems, implemented in some jurisdictions, impose penalties or temporary suspension of internet access for repeated copyright infringers.

Data protection and privacy laws are essential in the digital age, particularly regarding media convergence involving the collection, use, and dissemination of personal data (Aligwe, Anibueze, & Nwafor, 2018). These laws establish rules and safeguards for the processing and transfer of personal data, aiming to protect individuals' privacy rights and ensure lawful and transparent practices (Huang & Don, 2007).

Impacts of media convergence on content creators, distributors, and consumers

Media convergence has had profound impacts on content creators, distributors, and consumers. For content creators, media convergence has opened up new creative opportunities by providing access to various digital platforms and formats, allowing them to reach a global audience.



However, it has also intensified competition, necessitating adaptation to changing consumer preferences and finding innovative ways to stand out. Additionally, creators face challenges in protecting and enforcing their intellectual property rights due to issues like digital piracy and unauthorized sharing. On the positive side, media convergence has facilitated collaboration among creators from different disciplines, fostering interdisciplinary content creation (Jamil, 2020).

Distributors have witnessed diversified distribution channels due to media convergence. They can leverage digital platforms, streaming services, social media, and mobile apps to reach wider audiences and explore new revenue streams. The digitalisation of media has also provided distributors with valuable data on consumer behaviour, enabling data-driven decision-making regarding content acquisition, distribution strategies, and personalised marketing. However, the fragmentation of audiences across multiple platforms and devices poses a challenge, requiring distributors to adapt their strategies to engage audiences effectively and provide personalised content experiences (Jamil, 2019).

Consumers have greatly benefited from media convergence. They now have access to a diverse range of digital content, including music, movies, TV shows, articles, podcasts, and user-generated content. Personalisation has become a key aspect of the consumer experience, as algorithms and data analysis enable platforms to suggest relevant content and create personalised playlists. Media convergence has also allowed consumers to consume content seamlessly across multiple devices and platforms, providing flexibility and convenience. Additionally, it has fostered a participatory culture where consumers actively engage with content and contribute through social media, comments, reviews, and user-generated content platforms.

Strategies through which policymakers, content creators and regulatory bodies can effectively address the legal and regulatory challenges of media convergence

Strategies for effectively addressing the legal and regulatory challenges of media convergence involve a collaborative and comprehensive approach by policymakers, content creators, and regulatory bodies. Castells (2009) emphasizes the importance of policy and legislative updates, highlighting the need to adapt existing laws and regulations to encompass digital content and address issues such as fair use, DRM, and online copyright infringement. This aligns with the insights provided by Pavlik (2013), who stresses the significance of engaging in collaborative efforts with industry stakeholders. Consulting with content creators, distributors, technology companies, and consumer advocacy groups ensures diverse perspectives are considered, leading to practical and effective solutions. Additionally, Albarran, Chan-Olmsted, and Wirth (2019) emphasize the role of international cooperation through organisations like WIPO and WTO in establishing standardized regulations and enforcement mechanisms for intellectual property rights.

The challenge of balancing intellectual property protection and promoting access to information and cultural expression is addressed by both Castells (2009) and Pavlik (2013). Castells highlights the need for policymakers and regulatory bodies to consider flexible copyright exceptions, such as fair use and fair dealing, to strike a balance between protecting creators' rights and encouraging



innovation, education, and research. Developing digital content licensing frameworks, as mentioned by Albarran et al. (2019), is an important strategy to facilitate efficient licensing of digital content across platforms and territories, ensuring fair compensation for creators.

Effective enforcement mechanisms to combat online copyright infringement, as mentioned by Castells (2009), are crucial for protecting creators' rights. Implementing notice and takedown procedures, along with considering graduated response systems for repeated infringers, serves as a deterrent. Addressing privacy and data protection, as highlighted by Pavlik (2013), is essential in the digital age. Policymakers and regulatory bodies must enact and enforce robust privacy and data protection laws to regulate personal data collection, use, and dissemination by media companies, ensuring transparency and safeguarding individuals' rights.

Empirical Review

The study conducted by Sheresheva, Skakovskaya, Bryzgalova, Antonov-Ovseenko, and Shitikova (2021) focused on analysing the trends in the Russian print media market and the impact of the COVID-19 pandemic. The research objectives included examining the level of media convergence in the Russian print media market compared to Western counterparts, investigating the influence of the pandemic on Russian print media and their business models, and identifying systemic measures to improve the overall situation of the national media market. The study utilises a combination of desk research, analysis of industry statistics, and expert interviews as research methods. The findings revealed that Russian print media paid less attention to media convergence opportunities compared to Western counterparts. However, media organisations with ambitious goals recognized the importance of adopting media convergence approaches even prior to the pandemic. The study highlighted the lack of systemic measures to improve the national media market and emphasized the need to consider pandemic risks in print media management. Recommendations included implementing media convergence strategies, enhancing the adoption of media convergence practices, and developing proactive measures to mitigate the impact of crises.

In a similar study by Aduda (2016), the impact of media convergence on the corporate performance of media organisations in Kenya, specifically the Nation Media Group and the Standard Group Limited, is examined. The study investigated the effects of media convergence on advertising, circulation, and profitability. Quantitative and qualitative research methods, including questionnaires, in-depth interviews, and desk reviews of secondary data, were employed. The findings indicated that media convergence has led to reduced circulation of newspapers, decreased ratings of television and radio, reduced advertising revenues, and diminished profits. The researcher recommended multiskilling of journalists, content sharing with other media houses, adoption of new advertising models, and changes in recruitment policies to align with media convergence.

Furthermore, Ekwo's (2011) research focused on the influence of media convergence on Nigeria's democracy, specifically in relation to freedom of expression, transparency, and political participation. The study utilised a qualitative phenomenological research design, with data collected through semi-structured interviews of journalists and analysed using thematic analysis. The results highlighted the transformative role of media convergence in civic engagement and



journalism practice, emphasising its potential to promote freedom, openness and effective democratic governance. The study suggested that media convergence can bring about social change and recommends reforms in public policy and politics.

The current study takes a distinct approach compared to the previously mentioned studies. Unlike the earlier research, which focused on the overall trends and impact of media convergence on print media markets, this study specifically delves into the legal and regulatory challenges associated with intellectual property rights in the context of media convergence in the digital age. The researchers adopted a library research approach, indicating that they conducted an extensive review of existing literature, legal frameworks, and regulatory documents pertaining to media convergence and intellectual property rights. This method involved sourcing secondary data from libraries, including books, journal articles, and legal documents, rather than collecting primary data through interviews, surveys, or statistical analysis.

Due to the library research approach employed, the study does not involve primary data collection methods but instead relies on synthesising and analysing existing literature, legal texts, and regulatory frameworks to draw conclusions and provide insights into the legal and regulatory aspects connected to media convergence and intellectual property rights. In sum, the current study on media convergence and intellectual property rights adopts a more specialised and legal-focused approach compared to the earlier studies that examined broader trends and impacts.

Theoretical Framework

The study was anchored on the Diffusion of Innovations theory (DIT). The DIT, originally proposed by Everett Rogers in 1962, seeks to explain the spread of new ideas, technologies, or practices within a social system. It revolves around several key tenets that influence the adoption and diffusion of innovations (Ayeni & Nwaoboli, 2023). Firstly, an innovation refers to a new idea, practice, or technology that is perceived as novel by individuals or a social system. This can include tangible products, services, or intangible concepts relevant to media convergence and intellectual property rights, such as new content distribution models or intellectual property frameworks.

The theory also categorizes individuals into adopter categories based on their willingness to embrace innovations. These categories include innovators, early adopters, early majority, late majority, and laggards, each representing different segments of the population with varying levels of openness to adopting new ideas. The diffusion process itself consists of several stages, including knowledge, persuasion, decision, implementation, and confirmation. Individuals progress through these stages at different rates, influenced by various factors.

Communication channels play a critical role in the diffusion process as they facilitate the transmission of information about the innovation (Egbulefu & Nwaoboli, 2023). These channels can be interpersonal, mass media, or digital platforms. In the study of media convergence and intellectual property rights, analysing the effectiveness of communication channels in disseminating information about innovations can help understand the rate at which new ideas, technologies, or practices are adopted.



When applied to the study of media convergence and intellectual property rights, the Diffusion of Innovations theory allows researchers to examine how new practices and technologies related to media convergence and intellectual property rights are adopted and spread within the media industry and broader social systems. It provides insights into the factors that influence the acceptance and implementation of new practices and technologies, such as content distribution models and licensing frameworks. By understanding the characteristics of the innovation, communication channels, and social dynamics involved, strategies can be developed to promote the adoption of beneficial innovations and overcome barriers to diffusion in the rapidly evolving digital media landscape.

METHOD

The researchers employed the library research approach to investigate media convergence and intellectual property rights in Nigeria. This approach was deemed suitable due to its ability to provide a comprehensive understanding of the topic, leveraging existing knowledge and generating insights for further exploration. The research utilized various libraries and databases, including the University of Benin Library, National Library of Nigeria, JSTOR, Google Scholar, ScienceDirect, and IEEE Xplore.

The researchers collected data conducting systematic searches using keywords such as "media convergence," "intellectual property rights," "Nigeria," "digital age," and "regulatory challenges." Relevant literature included peer-reviewed articles, academic journals, and government reports. The data collection process involved identifying, screening, retrieving and reviewing relevant materials then extracting and recording key data. This approach provided a solid foundation for analysing the legal and regulatory challenges surrounding media convergence and intellectual property rights in Nigeria's digital age.

DISCUSSION

This study revealed that the digital age has brought about significant challenges in adapting existing legal frameworks to the rapidly evolving media landscape. Intellectual property laws and regulations struggle to keep pace with emerging technologies, leading to gaps and inconsistencies in addressing copyright infringement, fair use, and digital rights management. This finding corroborates previous studies such as Jamil (2019) that have highlighted the need for a more flexible and adaptive legal framework to effectively regulate media convergence.

The findings of this study are in line with previous research (Dulong & DeFilippi, 2016; Dinwoodie & Janis, 2018) which demonstrate the profound impact of media convergence on content creators, distributors, and consumers. The convergence of various media platforms has disrupted traditional business models, affecting revenue streams and market dynamics for content creators and distributors (Pavlik, 2013). The study revealed that content creators face challenges in protecting their intellectual property rights in digital environments, while distributors strive to navigate complex licensing and distribution agreements. Furthermore, consumers have gained increased access to diverse content but face challenges in understanding and complying with intellectual property regulations.



The findings of this study, agree with previous research like Ekwo (2011) and the Diffusion of Innovations theory, offer valuable insights into strategies for policymakers, content creators, and regulatory bodies to address the legal and regulatory challenges of media convergence. The study highlighted the importance of collaboration among stakeholders to develop flexible and adaptive regulations that balance the interests of content creators, distributors, and consumers. Creating platforms for dialogue and engagement between policymakers, industry representatives, and consumer advocates emerged as a recommended strategy by several researchers such as Sheresheva, et al (2021). Additionally, the study emphasized the need for continuous monitoring and updating of legal frameworks to keep pace with technological advancements. These findings align with previous studies that have advocated for multi-stakeholder engagement, policy flexibility, and ongoing evaluation and adaptation of regulatory frameworks in response to the challenges of media convergence.

The findings of the study align closely with the Diffusion of Innovations theory. The theory provides a framework for understanding how innovations, in this case, media convergence and intellectual property rights practices, are adopted and diffused within a social system. The studies draw on this theory to analyse the factors influencing the adoption and diffusion of media convergence practices and the effectiveness of legal and regulatory frameworks.

CONCLUSION

The researchers conclude that existing legal and regulatory frameworks governing media convergence and intellectual property rights are inadequate in addressing the challenges posed by the digital age and there is a pressing need for comprehensive review and updates of intellectual property laws and regulations to adapt to the rapidly evolving media landscape. Also, collaboration and partnerships between content creators, distributors, and technology companies are essential in developing innovative business models and distribution strategies that can effectively navigate the impact of media convergence. Based on the findings, it was recommended that:

1. Policy makers should conduct a comprehensive review and update of existing intellectual property laws and regulations to address the challenges posed by media convergence. This should include provisions for digital rights management, fair use, and copyright infringement in the digital realm.
2. Policy makers should foster collaboration and partnerships between content creators, distributors, and technology companies to develop innovative business models and distribution strategies that can adapt to the changing media landscape. This should involve exploring revenue-sharing models, licensing agreements, and digital distribution platforms.
3. Policy makers should establish multi-stakeholder platforms and forums for policymakers, content creators, regulatory bodies, and technology experts to collaborate, exchange best practices, and develop industry standards. This will facilitate ongoing dialogue and enable the continuous monitoring, evaluation, and adaptation of legal frameworks to keep pace with technological advancements and emerging practices in the media industry.



Ethical Clearance

Ethical consent was obtained from before conducting this study. Additionally, informed consent was sought and obtained from research assistants involved in data collection.

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Conflict of Interest

The authors declare no conflict of interest.

Authors' Contributions

Ovie O. Francisca designed the methodology, and contributed to writing the manuscript. Emeke Precious Nwaoboli conceived the study, collected and analyzed data, and contributed to writing and editing the manuscript. Both authors reviewed and approved the final manuscript for publication.

Availability of Data and Materials

The datasets on which conclusions are made for this study are available upon reasonable request to the corresponding author.

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