



## AFRICA INTELLECTUAL PROPERTY CENTRE (AFRICA IP CENTRE)

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# AFRICA CREATIVE ECONOMY: MAINSTREAMING IP AND MUSIC INTO INTRA-AFRICAN TRADE



A policy brief drawing insights from the International Trade and Research Centre (ITRC) webinar hosted in April 2025 in commemoration of the World Intellectual Property Day 2025.

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## 1.0. Introduction

Africa's creative economy is now widely regarded as an effective driver of sustainable development, cultural expression, and economic diversification. From music, film, and art to fashion and design, the continent's creative industries have demonstrated dynamic expansion and global interest. Yet short of achieving their full potential, intra-African creative goods and services trade levels are low, owing primarily to weak intellectual property (IP) frameworks, underdeveloped value chains, and fragmented regulatory systems.

According to UNESCO (2023), Africa's creative economy has an estimated potential to create over 20 million jobs and contribute US\$20 billion to the continent's combined Gross Domestic Product (GDP). However, Africa as a continent has a relatively low contribution to the global creative economy, which, according to the United Nations Development Programme (UNDP), estimates that Africa's 2.9 per cent share of global creative goods exports and services represents \$58.4 billion or less than 1 per cent of Africa's GDP (UNDP 2023).

The creative industry in Africa is encumbered by numerous challenges, among them is securing intellectual property rights (IPR) for creative works. It is important to reiterate that the deprivation of the monetisation, financial potential and wealth creation prospects of IP rights results in immeasurable lost opportunities for individuals, communities, and Africa as a whole (Atlantic Council 2024).

According to Ngwenya (2024), one major constraint of the African IP and the creative industries is a lack of funds and insufficient studies and research. The limited funding for IP has been primarily provided by extra-continental institutions. This local research inactivity mirrors broader structural problems such as inadequate research infrastructure, public under-awareness of IP rights, and limited promotion of publications outside the continent. In the absence of strong IP frameworks, African creatives are exposed to exploitation, and local innovations are unable to find commercial value.

One of the important topics discussed is the future of the music industry in light of technological developments in artificial intelligence (AI), particularly the implications for copyright law. The recent surge of AI applications, which has been a challenge in many industries, also poses a threat to the African creative sector.

## 2.0. IP as a Trade Enabler for the Creative Economy

With the African Continental Free Trade Area (AfCFTA) picking up pace, it is a good time to bring IP as an enabler of creative industries, especially music, into the continent's trade and industrialisation agenda. According to a report written by NECLive, an entertainment research organisation, titled “Growth, Trends and Opportunity in Nigerian Creative and Entertainment Industry”, it stated that the Nigerian entertainment industry is projected to reach an estimated \$14.82 billion revenue in 2025, up from \$4 billion revenue recorded in 2013. This projection is based on the Africa Entertainment and Media Outlook 2023-2027, by PriceWaterhouseCoopers (PWC), a global expert in accounting and business reengineering (Onu 2024).

However, Africa’s creative industry is severely constrained by the limitations of its intellectual property framework, which undercuts IP valuation, monetisation, and protections against piracy. The concomitant effect is the unenforceability of IP frameworks leading to lost opportunities for wealth creation, employment opportunities, receipt of foreign exchange reserves, and development of local capital markets. The African experience can be contextualised in view of other regions

## 3.0. Trinidad & Tobago Carnival: Case Study

Trinidad & Tobago (T&T) is a country in the Caribbean region known for its rich culture and creative capital. This creative capital is found in dance, music, film, design and other creative industries. The Trinidad & Tobago carnival is a vibrant fusion of music, dance, and artistry that was born out of the island’s history. T&T carnival is one of its most unique creative products and services, as it not only encapsulates all of the various aforementioned creative arms, but also brings to the region significant foreign exchange through the plethora of magnificent events that the festival generates.

According to the Trinidad & Tobago Ministry of Tourism, Culture and the Arts, Tourists spent an estimated US\$94.2 million or TT\$640 million for the 2024 Carnival period, thereby generating revenue for the country. Notwithstanding the economic potential of the festival, there are still significant income sources yet to be harnessed.

Musical artists, carnival costume designers, bandleaders and government agencies are still not able to effectively translate this creativity into sustainable economic gains inside and outside of the festival period through IP protection as highlighted below:

Copyright of original songs,  
performances and visual contents

Trademark of Mas band names, logos  
and brands

Industrial design protection of  
carnival costumes and wearable arts

Source: Africa IP Centre 2025

The creative products and services from the carnival can also be exported globally. The export of creative products and services is in the following forms:

Soca artists and musicians are hired to perform in carnivals across the Caribbean and globally

Carnival costume designers are hired to design globally

Event producers, photographers and videographers are hired globally

Source: Africa IP Centre 2025

#### 4.0. Comparison of the Trinidad & Tobago Carnival to the African Situation

With the tremendous popularity of Afrobeats and the success of other African music genres, several artists are scrambling to figure out how to monetise the sudden appeal of their songs, rhythms, and arrangements and the protection of their intellectual property against infringement.

It is argued that the protection of IP rights in the music industry in most African countries is ineffective. Domestic licensing and fee collection are weak. There is no strong association charged with protecting the rights of creators, collecting royalties from outlets (digital or otherwise) that play music without paying for it (Atlantic Council 2024).

In the fashion industry, there is a lack of knowledge of the protection and monetisation of unique patterns, materials, and designs. This, therefore, leaves fashion creatives at the mercy of theft from low-cost producers in Asia and Eastern Europe. Thereby impeding their ability to develop their brands and secure capital, production support, distribution assistance and export their creativity.

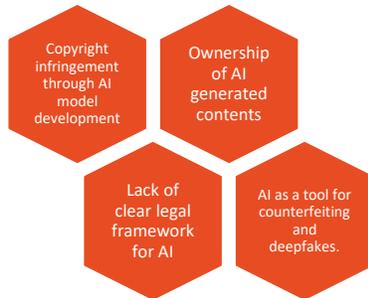
Furthermore, the African film industry is plagued with the enigma of piracy, low production value and low bargaining power. There is an increased copyright infringement owing to the rise in the use of the internet. This has fundamentally affected the revenue of the industry.

Like Trinidad and Tobago carnival, the African creative industry suffers lack of IP commercialization resulting to missed financial rewards; loss of royalty income especially from public performances, radio play, streaming, and international use of music, this is because without copyright protection, others can use, remix, or profit from the musician's work without permission or compensation.

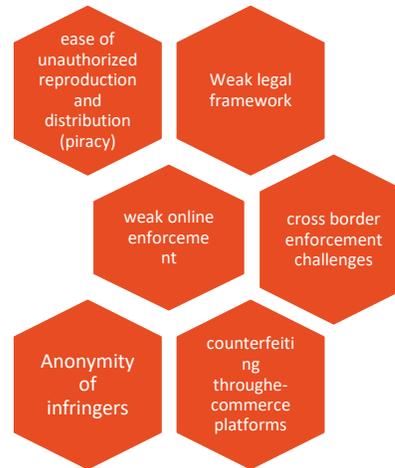
## **5.0. AI, Digital Platforms and Emerging Threats to Creative IP in Africa**

There has been a significant impact of emerging technologies on the African creative economy, most especially in the music industry. Digital technology trends like streaming, Artificial Intelligence (AI), voice control, and blockchain are identified as technologies with widespread effects in the music industry (Darvish, 2023). AI and digital platforms present significant threats as well as transformative opportunities for African creatives. The term “Artificial Intelligence” was coined by American computer Scientist John McCarthy and is defined as the capacity of robots, as well as computer programs and systems, to perform intellectual and creative human functions, to independently find ways to solve problems, and to be able to draw conclusions and make decisions. (Kirakosyan 2023).

### Challenges posed by Artificial Intelligence



### Challenges posed by Digital Platforms



Source: Africa IP Centre 2025

## 6.0. Challenges Posed by AI and Digital Platforms in the Creative Industry

The advent of AI and digital platforms has created some challenges for creators in the protection of their intellectual property. Some of the challenges include:

**Weak Legal Framework:** There is presently no common national or regional regulatory framework for AI in Africa. This impedes AI governance and intellectual property rights of creatives in Africa.

**Counterfeiting and Deepfakes:** AI technologies and digital platforms constitute a source of disinformation. The creation of deepfake videos represents an obvious threat as there is a rise in voice cloning, deepfake images, and generative text, which pose a great concern (Helmus 2022). More so, it has enabled counterfeiting, which means selling a copy of a work that looks like an authorised copy and falsely claiming that it was authorised or licensed, such as selling unauthorised or unlicensed copies of a painting which look exactly like a legitimate package.

**Ease of Unauthorised Reproduction and Distribution:** Through digital platforms, there has been a rise in piracy, which is the sale of unauthorised copies of a work, without necessarily claiming that it is an authorised copy. For example, selling a recording of a movie made by someone sitting in a theatre with a video camera is a type of piracy (Waziri 2011). This infringement not only threatens the rights of creators but also their revenue.

**Anonymity of Infringers:** On digital platforms, infringers frequently mask their true identities or operate under pseudonyms, complicating efforts to trace their activities. This anonymity poses significant challenges for rights holders seeking to identify these individuals, as traditional methods of detection, such as IP address tracking, can be circumvented through the use of VPNs or other privacy tools. As a result, holding these infringers accountable becomes increasingly difficult, often rendering it nearly impossible to initiate formal legal action, such as filing an infringement lawsuit, against them. This lack of transparency not only undermines the enforcement of intellectual property rights but also erodes trust in the digital marketplace.

**Cross-border Enforcement Challenges:** In instances where an infringement occurs across international borders or involves parties from different jurisdictions, it can prove challenging to ascertain the appropriate court or jurisdiction for addressing specific issues, particularly given that intellectual property rights are governed by territorial principles. Additionally, the enforcement of court judgments may present difficulties; for instance, enforcing an injunction granted by a court in Nigeria against an infringer located in Kenya may pose significant challenges.

**Copyright Infringement through AI Model Development:** At different phases of Generative AI model development, there is a high risk of copyright infringement. During training, the model is fed with the quality content of the copyright holders, potentially reflecting similar quality and information in the generated content, thereby constituting a risk of infringement of adaptation rights and other rights of creators. In the content generation phase, the Generative AI may produce fragments, detailed summaries, or even verbatim excerpts identical or very similar to copyrighted works. This could lead to infringement of the reproduction, adaptation, and public communication rights of copyright holders and deprive copyright holders of their rightful revenue.

**Ownership of AI-generated Content:** The increasing integration of AI-driven algorithms within the creative industry has sparked a complex debate regarding copyright ownership and the parameters of fair use. As AI systems generate art, music, literature, and other forms of creative output, it raises critical questions about the ownership of such works. For instance, who holds the copyright for a piece that is entirely generated by AI? Is it the developer of the AI, the user who prompted the AI to create, or is there no ownership at all due to the non-human nature of the creator?

Additionally, the concept of fair use becomes increasingly murky in this context. Works created

by artificial intelligence often draw upon existing materials, raising questions about whether these outputs qualify as derivative works or transformative enough to be considered fair use. This situation necessitates a careful examination of existing copyright laws, which were not designed to account for the nuances of AI-generated content. As technology continues to evolve, it's crucial for legislators, creators, and legal experts to engage in dialogue and establish guidelines that clarify these issues, ensuring that innovation in the creative sector is balanced with the rights of individuals and entities involved.

## 7.0. Opportunities of AI and Digital Platforms for the Creative Industry

Despite the threats posed by digital platforms and AI, these technologies have revolutionised the music industry by reshaping how music is created, distributed, and consumed (Hesmondhalgh & Meier, 2018).

### 1. Global Reach of Consumers:

The birth of streaming services like Spotify, Apple Music, and YouTube have generated significant changes for musicians and listeners alike. For musicians, digital platforms have democratised the Music industry, allowing upcoming and independent artists to create and share their music with wide and global audiences without needing to sign a contract with major record labels (Hracs, 2012; Qu et al., 2023). This is a means of wealth creation without contractual obligations. Furthermore, listeners also benefit from wide and easily accessible music library, which enables them to explore variety of genres and discover new artists without difficulties (Hagen, 2015).

### 2. Creative Enhancement Tools

Artificial Intelligence and digital platforms enable creativity. These platforms provide easy access to tools for creating and promoting music and audiovisual content, from digital audio workstations to social media marketing (Walzer, 2017).

### 3. Personalised Experience for Creatives

The digital revolution and growth in technological trends have expanded opportunities, enabling musicians and creatives to maintain creative control and establish direct connections with their fan base and end consumers.

#### 4. Ownership and Monetisation through Emerging Technologies

The advent of Non-Fungible Tokens (NFTs) has benefited artists, musicians, and other content creators who have long faced the challenge of ownership and monetisation of works on digital platforms (Bamakan et al., 2022). Through the use of NFTs, creators can establish incontrovertible ownership over their digital assets, which is crucial for monetisation. Creators are thereby enabled to trade and sell these unique tokens in various marketplaces (Patrickson, 2021). Furthermore, the transparency and immutability of blockchain technology, which provides a foundation for NFTs, furnish a trusted and verifiable provenance of digital assets, therefore mitigating issues of forgery and fraudulent claims of ownership.

### 8.0. Recommendations

1. **Update Legal Frameworks:** There is a necessity for an enhanced legal framework to address the gaps and threats associated with AI and digital platforms. The effective implementation of the African Continental Free Trade Area (AfCFTA) Agreement is essential for promoting intra-African creative trade.
2. **Strengthen Online Presence:** African creatives are encouraged to utilise digital platforms to enhance their online presence, which may lead to broader commercialisation of their work.
3. **Direct Sales and Licensing:** It is recommended that African creatives optimise digital channels for direct engagement with their communities and for monetisation to generate revenue from their outputs.
4. **Capacity Building:** Grassroots capacity-building workshops focused on intellectual property and the commercialisation of intellectual property as a means for intra-African and global trade are needed. Education on online intellectual property protection for creators is advisable.
5. **Digital Watermarking and Rights Management:** The use of digital watermarking can help protect content online, aiming to prevent reproduction and distribution without authorization from the rightful owner.

6. **Cross-Border Collaboration:** The advocacy for intellectual property protection should involve collaborative efforts among African countries, working towards improved protection and enforcement of intellectual property rights across borders.

## 9.0. Conclusion

Africa is rich in creativity and innovation, especially in the realm of music, evidenced by the growing popularity and international acclaim of various African music genres such as Afrobeats, Highlife, and Southern African house music. This rise has not only put African artists on the global stage but also opened up new avenues for cultural exchange and collaboration.

IP is vital, as it ensures that creators, musicians, and innovators receive both recognition and financial compensation for their unique contributions and artistic expressions. By safeguarding their IP rights, artists can maintain control over their work, prevent unauthorised use, and ultimately thrive in the market.

In the context of the AfCFTA, it is essential to advocate for the recognition of IP as tradable commodities. This perspective can enhance intra-African trade and spur economic growth by fostering a robust creative economy. Furthermore, as digital platforms become increasingly important for distribution and consumption, the effective utilisation and protection of IP rights in these spaces are crucial. By implementing comprehensive legal frameworks and promoting awareness of IP rights, Africa can empower its creators and ensure that their innovations are celebrated and financially rewarded..

## ABOUT THE CONTRIBUTORS

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## ABOUT THE HOST INSTITUTION

### **International Trade and Research Centre (ITRC) – *Africa Intellectual Property Centre***

The Africa Intellectual Property Centre is a unique continental-wide, not-for-profit initiative dedicated to strengthening the intellectual property (IP) system and the institutional capacities of IP institutions in Africa. The Centre was founded on 7<sup>th</sup> December 2020 and located at the headquarters of the International Trade and Research Centre (ITRC). The Centre was inspired by a series of webinars organised by Africa International Trade and Commerce Research and the International Trade & Research Centre in partnership with Flora IP, AllThingsIP Africa, IP First Group, the African Regional Intellectual Property Organization (ARIPO), and the Organisation Africaine de la Propriété Intellectuelle (OAPI) – the two leading regional and intergovernmental IP organizations in Africa.

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