

Playing by the Rules: Copyright Matters in Documentary Filmmaking (Posted on Facebook on July 14)

Yesterday, I completed an online Masterclass on documentary filmmaking--the first step in my career reinvention. The Masterclass focused on scriptwriting, plot, setting, directing, and story-telling. Although these elements exist in some forms in my academic writings, they take a different character in documentary making. I'm still learning to use my camera. I have a Mark IV Canon (EOS 5D) camera, capable of shooting Netflix grade pictures. I'm shooting at 4K, MOV format-- the highest possible quality the camera can deliver. Essentially, equipment is no problem. I have the right machine. In addition, I have just completed the first phase of digitizing the "Lagos Weekend," a famous entertainment magazine published by the Nigerian Daily Times in the 1970s and 1980s. Next is the Entertainer, published by Sketch. In addition to providing hardcore data for the book's narrative and the visuals of the documentary, newspaper data is the most forensic evidence I have for posing the right questions during oral interviews.

In recent weeks, I have been worried about navigating legal matters in documentary making. I just realized that I can't just show-up with my camera and start shooting everywhere and everyone without some consent. I need to secure a written permission from interviewees. Permission to use songs, photographs, and videos from all sources must be secured. Even when shooting public scenes/places, background songs/sounds that my camera will capture are copyright materials that cannot be used without permission. Securing permission to use art is not just about the consequences of legal infringement, but respect for the work, property, and labor of others. It's the right thing to do. One possible solution to song copyright problem is to recreate my own music, specifically for the documentary. But this would hinder authentic story-telling. I want my audience to listen to the 1977 song of the "first" lady Fuji musician Aduke Alasela-- unfiltered! Or enjoy the talent of guitarist Alagbadaowo, the first Fuji artist to play the guitar.

How do I secure permission to use songs produced by record companies that have sublimed into nothing? How do I even determine the true copyright owner of songs and videos? I have found many nice images online, but their original sources cannot be traced. Hence, the copyright owner cannot be ascertained. How do I get my interviewees to sign a written document agreeing to be featured in the documentary in a country where deceit is art of everyday living? How do I convince my interviewees that the materials I'm collecting are for research and educational purpose--not for personal financial enrichment?

It occurred to me that most of the things we don't think about when we write academic books are serious matters when creating art or making a film or a documentary. It's clear that the creative world is not like the "conventional" academic world where people readily steal or appropriate the work of others, either directly or under the ruse of co-authoring, with little to no consequences. Academic writers rarely think about copyright infringement when they copy brilliant literary expositions from archival materials and colonial newspapers.

Scaling copyright hurdle almost forced me to abandon the documentary project. Bingo! I came across the "Fair Use Law," a legal machinery put in place to enhance creativity, while also using the work of others. Essentially, this law states that I can use someone's creative works for the purposes of "criticism, comment, news reporting, teaching, scholarship, or research" without permission from the copyright holder! Since access to the Fuji documentary will be free, I'm protected under the Fair Use Law. While the "Fair Use Law," does not definitively solve the problem of copyright, it unsettles the

uncertainty arising from the feasibility of using the work of other people without being accused of “stealing” their labor, creativity, and intellectual property.

Yours Sincerely in Fuji,
Emperor Saedo Okola and His International Fuji Lions