


Nollywood, Film Streaming, and Ethical Practices

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Abstract

In this paper, I respond to the call by Jedlowski on the need to study the economy and environment under which African film is distributed. The paper explores the implications and increasing presence of film streaming in Nigeria within the economic, cultural, and ethical ambits. The paper examines the influence of digital film distribution practices on Nigeria's film industry known as Nollywood, and impacts on corporate, consumer, and industry practices. Through primary data gathered from film industry stakeholders and complemented with secondary sources, the paper argues that there is a need for self-regulation and consumer protection against socio-economic and technological exploitation in the film industry. The paper concludes that agencies of the government must begin infrastructural renewal, including high-tech personnel with relevant digital skills to engage corporate interests. The paper contributes to discourses on emerging digital media content distribution in the Global South and film distribution economies in developing nations.

Keywords: Digital, Film, Media, Nigeria, Nollywood, Streaming.

Introduction

There have been calls for the need to pay more attention to media distribution channels and the socio-economic factors under which they are distributed (Jedlowski, 2022). Many scholars have focused on how audiences receive films emanating from Africa and its “dynamics of cultural appropriation” (Jedlowski, 2017, p. 672) rather than the economic conditions under which they are distributed. The film industry in Nigeria popularly referred to as Nollywood is already in a transition phase from the old-traditional film distribution models to a broader spectrum through the new media and digital platforms. This is made possible by the technology of streaming and social media that offer Nollywood film content to domicile, African, and global audiences. Nollywood's increasing popularity and growth have also led to the incursion of other multinational media corporations like the American-based Amazon Prime Video. In

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this paper, attention is paid to the emergence and proliferation of streaming platforms in Nollywood and the implications of their increasing presence in the film industry in Nigeria.

Through innovation and increased awareness of digital media technologies, film streaming has brought about rivalry for the traditional media distribution culture in Nollywood. The standard distribution method over the years had hitherto relied on box-office returns at cinemas and sales of films in Compact Discs (CDs) and Digital Video Discs (DVD) formats for sustenance and returns on investments. However, the increasing operations of video film streaming platforms especially on Advertising Video on Demand (AVOD) platforms like YouTube as an alternative exhibition space have altered the narrative. Film streaming platforms provide an array of film and television series that are readily available through monthly paid or free subscriptions. The rates are relatively less costly and are available to consumers depending on their status and purchasing power. In other cases, there are also alternative platforms that offer free viewing services, especially on the AVOD mode on YouTube, thus creating alternatives and attraction for audiences.

When the COVID-19 pandemic in 2020 resulted in the shutdown of cinemas, many audiences globally shifted their attention to streaming platforms. To meet the realities, producers and content creators moved their cultural offerings to the same by releasing their works directly on streaming services. Although cinemas have since resumed normal activities, streaming platforms, especially in Nigeria have continued to increase online activities and have now become very relevant competitors to the cinemas and traditional television viewing experience.

The rise of more film streaming platforms in Nigeria, the convenience and affordability in terms of the cost they offer pose healthy competition to the cinema. Streaming channels have continued to keep the cinemas on their toes to improve and do more to generate and retain their audiences. While the multinational streaming platforms continue to influence and propel new directions in distribution services in Nollywood, Indigenous online exhibition channels such as Goldmine TV, Northflix, and Kallo.ng, Oyawatch and other YouTube-based AVOD channels are investing heavily in digital film distribution. Compared to traditional media distribution patterns, these platforms provide comfort, ease of access to content, personalisation, and affordable costs to end-users. The emerging local-based film streaming platforms in Nigeria are breaking the boundaries of distribution set by global media corporations which before now limited official distribution between the Global South and the rest of the world.

The emergence of indigenous film streaming services has broken artificial barriers hitherto set by dominant media distribution networks. This drive is propelling new directions while at the same time providing additional income for content creators. However, there are concerns generally on the ethical practices of these digital platforms though their positive interventions and impact on Nollywood are well taken into account. One of the concerns has been echoed by First and Waller (2023) in the context of anti-trust practices of digital platforms. This issue poses a dire consequence for the film industry and the digital space at large.

There are contending issues associated with film streaming in Nollywood that have not been thoroughly addressed. Most discourse around the subject have focused on film streaming influences on the curbing of piracy and the attendant safeguard of the intellectual property rights of filmmakers. Other scholarly works in this dimension have also addressed perceptions of the contributions of online distribution and how internet disruptions have ascended Nollywood to global recognition (Adejunmobi, 2007; Arewa, 2012; Ebekue, 2018; Andrews, 2020; Agina, 2021; Simon, 2022). However, issues such as data security, regulations, and ethical practices generally have not been given the utmost attention.

Literature Review

Adejunmobi (2007) has described Nollywood's distribution practices as a minor transnational practice, but with the advent of local and international streaming services in Nigeria, events have taken a new turn and overridden this assertion. Jedlowski (2017) notes that the global reception of African cinema has been categorised as the "new African black gold" (p.671) and that it is already attracting the attention of global media industries. They posit that this newly found attention may create a scenario leading to "corporate take-over of African screen media industries" (p.671), although this narrative has been countered by Agina (2021) who argues that the streaming has provided an alternative route through which Nigerian films are now "transnationalised" to global audiences. Agina maintains that international streamers like Netflix represent a "new vehicle" (2021, p.1) through which Nigerian films are formalised and transported across the world.

The prominence of Nollywood in the global film space could be attributed to the revolution in streaming which local and international film platforms are helping to sustain (Arewa, 2012). In this instance, Andrews (2020) refers to the application of these digital media technologies in Nollywood as a disruptive technology – the one that "displaces an established creative orthodoxy and builds a new business method in an industry" (p.171), and this is exactly what

film streaming is doing in Nollywood presently. Andrews however, argues that many media platforms especially the Indigenous platforms in Nigeria are merely uploading unauthorised film content and that such exhibition practices showcasing Nollywood films implicate a “creator’s copyright and other IP rights” (p.175). They, therefore, decry that the enforcement willpower for regulation in Nigeria is almost ineffective.

The contentions in film streaming in Nigeria and attendant corporate practices have provoked conversations around ethical considerations by stakeholders. Sulayman Deji-Etiwe, a film producer in an interview admitted that the streaming platforms have contributed positively to the industry but have been exploitative in their professional tendencies in the same measure. Deji-Etiwe called into question some prevailing professional practices such as international streamers’ policy on the use of aggregators like Netflix. In addition, the key informant opined that Nollywood lacks the financial resources needed to sustain a virile film industry, hence, the major platforms came in and capitalised on the gap in marketing and distribution to extort filmmakers and content creators.

Arewa (2020, p.4) noted that “Nollywood developed in a legal and borderless environment without strong intellectual property protection. Although Nigeria has enacted comprehensive copyright laws, intellectual property enforcement in Nigeria has not traditionally been robust”. Arewa consequently posits that in this instance, the practice of transmitting Nollywood films through digital channels without due regulations by the authorities may amount to infractions or unethical practices that impede the ability for censorship and regulation enforcement. The local players in the film industry especially are culpable of this practice but have been overlooked because they play a viable and relevant alternative to the traditional film marketing system, coupled with their popularity among filmmakers and audiences. It is in this light that Ebekue (2018) suggests that the Nigerian film policy be broadened to accommodate current realities in the online distribution model and that the acts establishing regulatory agencies should be amended to cater to the regulation and enforcement of certain rights on digital media and internet-based film distribution channels.

In a similar vein, Simon (2022, p.15) has noted that the intervention of streaming platforms in Nollywood is marked by “complexity” particularly on how the streaming platforms perceive the Nigerian film market. Marketers in the traditional distribution systems are being displaced due to streaming technology that platforms streaming services are now providing. Adelokun (2018) argues that every aspect of media of communication including the video-film genre is

struggling for a space on the internet to evade the stringent measures that are often considered unfavourable in the traditional distribution space due to government regulations. They decry the initial evasion of censorship and sharp practices of pirates that have culminated in what is termed “onlinewood”, and assert that the indiscriminate loading of content on the internet tends to lead to escaping censorship by the government which regulates film in Nigeria thus posing a national security threat. The study claims that nearly 50 percent of audio-visual scenes in films broadcast on streaming platforms run afoul of the categorisation standards set by the National Film and Video Censors Board (NFVCB). In the past, these concerns have been raised to form arguments that the NFVCB should ensure the inclusion of online platforms in its censorship coverage.

The seeming unregulated operations of many local and international streaming companies in Nigeria have also been noted by Omoera & Ojieson (2022) when they observe that the intervention of digital media platforms like Netflix has left local content creators in a fix because they have become unnecessarily selective in what content to accept and promote. This practice is perceived as a form of gatekeeping that has left many content creators stranded. There have even been calls on the need for regulations of the activities of Netflix and other local and major streaming platforms whose professional practices have been somewhat shrouded in secrecy (Ernest-Samuel, 2017). The models and operations of many film streaming platforms in Nigeria are not publicly known, and this is made possible due to obsolete laws and enforcement capacity to regulate online media content distribution in Nigeria.

As noted (Arewa, 2020), Nollywood must shy away from the informality of doing business by embracing enforcement. Doing this will provide an avenue for tackling unprofessional practices since the activities of many streaming platforms are yet to be fully licensed and regulated by relevant agencies of government. A lot of streaming platforms that operate in the virtual space do not possess physical addresses. In occasional situations where it is provided, Mark Akhuetie, a key informant at Nigeria’s National Film Video Censors Board (NFVCB) says it turns out to be fake (Personal Communication, 2023). Mark Akhuetie, says: “We have online registration for distributors who are meant to obtain a license from us. It is just that most of them are not compliant, then, locating the addresses and places of operations of the streaming providers is even more difficult”.

Akhuetie affirms:

All these online distributors (streaming platforms) are very hard to track as most of them do not have stickers of office base and some of their offices may even be outside Nigeria. They are not compliant. You will see them on air but for you to trace their office, it is difficult. Many of them also do not fix addresses on their platforms. So, it is very difficult for you to trace them, but the ones we can trace, we get them to register as online distributors. (Personal Communication, 27th January 2023).

Mark Akhuetie also established that some of the streaming platforms do not follow classification guidelines, positing that streaming platforms are fond of giving their ratings. For instance, the NFVCB does not have a film rating for under 16 classifications, but subscribers will often find that streaming platforms exhibit films in this category. In situations like this, regulatory agencies are unable to sanction or enforce any compliance when film streamers contravene relevant laws since they cannot be tracked. The NFVCB is helpless due to obsolete laws that impede its effectiveness although efforts are on the way to re-enact and update legislations in this regard.

Dr. Chibuikwe Ogwumike, a key informant at the National Broadcasting Commission (NBC) in Nigeria admits that regulations are a key factor for the industry, and expressed the view that the essence of this practice is to maintain professionalism and standards in the industry but that streaming platforms generally do not want to be regulated.

Ogwumike said:

Ordinarily, no one wants to be regulated. So, if regulations come in, you will feel as if you are being caged or restrained from certain things. However, the essence of regulations is to maintain professional standards and operate within the laws of the country. Some of these platforms are big multinational media companies and they are strong economically. So, naturally, they would like to fight any policy that is against their economic interest. So, it will not be a surprise if the resistance they have put up against regulations and their recalcitrance has to do with this – their economic interest. (Personal Communication, 2023).

Also, Yunusa Rikoto, another key informant at NBC equally observed that some of the content exhibited by the streaming platforms are against the norms and social values of Nigeria. He affirmed that there are programmes, from monitoring reports that do not conform with the cultural values of the country. In some of the platforms, Rikoto says it is the cases of obscenity, use of vulgar expressions, transgender culture, and violence that are against the provisions of the NBC code. He said the attention of streaming service providers is always drawn to such infractions. From indication, the NFVCB is currently striving to regulate film streaming and the digital entertainment space with many legislative interventions to acquire legal instruments

and the law to do so. Former Executive Secretary of the NFVCB, Adedayo Thomas in 2023 opined:

Regulating online platforms poses a lot of difficulties since it is not part of the mandate of the Board...Our job does not cover regulating online platforms. We have a bill before the National Assembly seeking to empower the Board to regulate online platforms where movies are exhibited (Njoku, 2023).

With the arguments on regulations, Vaujany et al (2020) observe that communities may arise with the aid of other platforms within or outside of the industry to push for regulations of the streaming platforms, although Grabher and König (2020, p.99) insist that there cannot be a fully self-regulated market just as there cannot also be a completely “disembedded market”.

Secrecy and Anti-Transparency

Many film streaming platforms have been secretive about their business and operational models (Ernest-Samuel, 2017), and this position has been re-echoed by Wayne (2022) who established that the practice of information hoarding by these platforms is an anti-transparency policy that has implications for the film streamers and their relationship with the industry. Attempts to secure film platforms and online television channels for interviews and research in Nigeria have most times been difficult and often met with brick walls and evasions. Wayne notes that this “juxtaposition of advanced data capabilities with strict anti-transparency policies is frustrating for industry observers and media scholars alike” (Wayne, 2022, p.194). Many online film platforms extract subscribers’ information and data when they subscribe to the platform without citizens’ awareness of what they could be used for amidst safety and data security concerns since they operate in cyberspace. Liang, Aroles, and Brandl (2022) have also noted that the ‘platform economy’ is premised on both the “algorithm revolution and cloud computing” (p.319), so to an extent, these platforms have access to users’ online behaviour through digital algorithms and there are reasonable suspicions that these data are being used to present personalised advertisements and services. It is also based on the strength of this plausibility that Zygmuntowski (2018) argues that “such cognitive work and information data can be commoditized and monetized on the market in manifold fashion” (p.170).

The data retrieved from film subscribers could also be disposed to other organisations based on the search history and online activities of subscribers and this could be considered dangerous to national security. The personal information retrieved from subscribers could be used by streaming platforms for commodification and to promote their brands and content over that of other competitors (Konig and Grabher, 2020). Many digital platforms are not straightforward

about the data they extract from subscribers and the purpose for which they use them. These anti-trust and unethical practices have been noted by Dyer-Witthford (2020) who wrote that there has been an attack on tech organisations in the United States of America over anti-trust issues and that the European Union since 2016 has sanctioned US-based tech companies such as Google for unethical practices.

Iliev and Blagoev (2022) have noted the challenges of data protection from unauthorised online theft or leakage through content streaming. They state that this concern has brought about the need for “security of both the upstream and downstream streaming process” (p.87). This standpoint further amplifies the necessity for film consumers who input their data including bank details during the subscription process. ILiev and Blagoev for instance cite the founder of Facebook, Mark Zuckerberg in the United States of America who has called for government regulation of social media content, though they posit that this was more of an attempt to make sacrifices to protect his private business concerns. They later proposed the idea of “a user authentication portal to be made available by an authentication service provider” (p.87). The implication of this proposal implies that the policy will automatically disengage the streaming platforms from handling personal data and payment options provided by the subscribers so that in the event of a breach of the sites of the streaming platforms, no data can be stolen. The arguments on regulation over the use of data and the place of government in what Grabher and Konig (2020) describe as “managerial governmentality” (p.95) are ongoing. It has also been noted that the technical and technological advancement of platform operators during interactions usually overwhelm the government personnel who are the regulators and that platform operators prefer “self-oversight” rather than the oversight provided by the government. (p.95).

Platform Capitalism or Netflix Exploitation

Many leading film streaming platforms have gained a lot of control and attention from creators over the production and distribution of content in Nigeria, which is a colouration of platform-capitalist tendencies. In conceptualising what constitutes a platform, Liang, Aroles, and Brandl (2022) observe that there are diverse meanings and scholarly interpretations because “there is a lack of consensus in the literature regarding its key features and characteristics”. (P.308). However, this paper adopts the context used by Wang and Lobato (2019) in their study of Chinese streaming platforms with a focus on Quiyi to mean “digital services, brands, and start-ups, including video platforms, ride-sharing, dating, and social network apps” (p.3). Also,

citing Kenney & Zysman, 2016; Frenken, 2017; and Rahman & Thelen, 2019), Schubler et al (2021) argue that “many scholars believe that digital platforms are the distinguishing organizational form of twenty-first-century capitalism”. (p.2). If these features are taken into consideration, then a lot of multinational film streaming services fall within this categorisation.

Audiences and content creators in Nigeria are already captivated by the majority of international platforms like Showmax and Amazon’s originals and third-party licensing which could create an attention economy that may alienate competitors, especially indigenous Nollywood streamers. It has been observed (Schübler, Johannes, Attwood-Charles, Kirchner & Schor (2021) that there is a tendency for platform owners and managers to dominate and that this is a trait that is common among all the platforms. Based on Netflix's current practice, for example, it does not deal with Nollywood as an industry directly but makes use of aggregators. This practice implies that this model may be concentrating too much power and wealth in the hands of major film streamers and a few privileged creators and this can be used to stifle competition and create undue gatekeeping (Omoera & Ojieson, 2022). This view is consistent and has been re-echoed that global streaming corporations like Netflix, Hulu, and Amazon possess the wherewithal to stifle competition in the film industries, more so, that there is a lack of effective laws to safeguard subscribers, and exploitation in the film industry (Pakula, 2021).

Netflix, Amazon Prime Video, and Showmax, all foreign media corporations are competitors in the Nigerian film distribution market and they go almost unchallenged in the Subscription Video on Demand (SVoD) market by local streaming services due to the unavailability of funding capabilities and structures that the major streamers bring to the table. This kind of ambiance has the potential for neocolonial, economic, and cultural domination of Nollywood. For instance, iROKOTv, an Indigenous film streaming platform said it was streamlining its operations in Nigeria and that it was laying off about 150 staff in 2020 due to an unfavourable economy. In 2021, it also announced that it would enlist on the London Stock Exchange because the platform will now pay more emphasis to diaspora audiences in North America and Western Europe. This new policy direction of iROKOTv may be attributed to the influx of global media competitors in Nigeria with huge funding abilities. It is in this context that Wayne (2021) observed that “Netflix executives use discussions of viewership and ratings to explicitly denigrate longstanding television industry norms” (p.199).

The system of aggregators by international film distribution platforms in Nigeria tends to isolate stakeholders and limits participation. A content creator, Deji-Etiwe explained that “the

current practice on the way to benefit is who you know, and that is why they ask you to call so and so person". (Personal Communication, 2023). This practice may impede film entrepreneurship because the major streaming platforms may be creating a network effect that could make it difficult for other investors to enter the business and compete (Simon, 2021). In many instances, the problem of contracts and agreements between streaming platforms and content creators erupts in Nollywood. Some streaming platforms in Nigeria seize the opportunity to take over control of the rights of producers and content owners' works without adequate compensation. This is an act of exploitation arising from the desperation of content creators to get their works on digital platforms. There are cases involving contracts that are mostly poorly written and lack standardization. Also, many producers carry out their business with the streaming platforms without any formal documentation aside the word of mouth. Francis Onwochei a Nollywood stakeholder and key informant said many producers rarely see their contracts and agreements on paper during negotiations with the streaming platforms.

Onwochei laments:

I state this with sadness. This concerns the leading streaming platforms and their practice ethics. Rarely do you see your contract as a producer. Your aggregator generally tends to tell you what is obtainable financially for your content, then you begin to negotiate from that point until you can negotiate to a level of agreement. But from the point of negotiation to the point of agreement, you rarely see the amount on the contract. But you see, a lot of producers will not tell you that because nobody wants to be in the black book of the aggregators. But again, this is it. It happens. It continues to happen. That is for the big streamers (Personal Communication, 23rd March 2023).

In earlier alignment with this view, Andrews (2011) noted that Nigerian filmmakers and content creators must take the issues of licensing and agreements seriously to avoid exploitation. Andrews writes:

I had discussions and interviews with some Nollywood stakeholders who raised their concerns about the inadequacy of digital copyright regimes in Nigeria to protect their creative interests. If these concerns aren't properly addressed, Nollywood creators may be operating in an unequal legal and economic environment that favours the video-on-demand partners.

In this vein, Dyer-Witford (2020) affirms that some industry leaders in the past have argued on what he termed "monopolistic capital" in the media sector and have insinuated the notion of "Digital trust-bursting". This proposal involves the breaking up of giant multimedia platforms and their concentration of ownership, noting however, that this should not be misconstrued as anti-capitalist tendencies.

Conclusion and Recommendations

The paper recognizes the efforts of film streaming platforms in Nollywood and their positive impact on the evolving virile film industry. It, however, argues for the need to dig more into the activities of these platforms. Film streaming platforms should be subject to self-regulation and be made to conform to acceptable set standards by the government. This should not be conceived as undue censorship. There is also the need for the government to ensure consumer protection because many subscribers who have customer-related complaints are unable to get satisfaction. On many accounts, streaming platforms cannot be reached easily due to the unavailability of physical addresses, though they have an online presence. Providing physical spaces where they can be contacted will help in resolving issues that would have otherwise led to subscribers' frustration. Regulatory Agencies must also begin infrastructural renewal, including recruitment of ICT-compliant personnel with relevant digital skills to engage the streaming services providers on issues of mutual concerns that will advance the fortunes of Nollywood.

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