

Nigeria moves towards finalising its IP framework: key developments and future prospects

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- An inter-ministerial committee has recently been inaugurated to review Nigeria's draft IP policy and strategy
- Key changes in the Nigerian IP landscape may be anticipated if the policy is finalised and approved
- Existing legislations will be reviewed and amended to align with the TRIPS requirements and to incorporate emerging trends and best practices

On 30 May 2024 the Ministry of Industry, Trade and Investment inaugurated an inter-ministerial committee to review Nigeria's draft IP policy and strategy. This initiative aims to enhance the [draft National IP Policy and Strategy](#) initially validated in September 2022. The committee's responsibilities include updating the draft policy for submission to the Federal Executive Council and revising national IP legislation to align with international standards.

This development marks a significant stride towards modernising Nigeria's IP framework, as the current draft contains a myriad of strategic policy moves poised to reshape the IP landscape in the country. This update delves into the focus of the policy based on the current draft and discusses the anticipated developments should this draft policy be approved by the executive council and implemented.

Focus of National IP Policy and Strategy

Based on the current draft of the national IP policy, the policy team has identified nine strategic issues to address:

1. the legal framework for protecting IP rights;
2. the institutional framework for administering these rights;
3. the generation and protection of IP assets;
4. technology transfer and commercialisation of industrial property;
5. support structures for commercialisation in the creative industry;

6. policy and support for commercialising plants, animal varieties, traditional knowledge and traditional medicines;
7. IP enforcement;
8. IP training and education; and
9. IP awareness.

What to expect if the updated IP policy is finalised and approved

Based on the strategic policy framework developed by the policy team, if the policy is updated and finalised, several key changes in the Nigerian IP landscape may be anticipated, including:

- Existing legislations to be reviewed and amended to align with the requirements of the [Agreement on Trade-Related Aspects of Intellectual Property Rights](#) (TRIPS) and to incorporate emerging trends and best practices – recently, the ministry organised a two-day workshop (28-30 May 2024) with key stakeholders on the implementation of the TRIPS agreement.
- New legislation to be developed to address currently unprotected areas such as trade secrets, databases, integrated circuits geographical indications (currently ongoing), utility model patents, business method patents and animal breeders' rights.
- Establishment of the Nigerian Industrial Property Office to consolidate the Patent and Design Registry and the Trademarks Registry, addressing current challenges such as low staffing, inadequate funding and limited access to databases – if approved, provincial IP offices would be created to decentralise and improve IP services nationwide.
- Examination process for patents to be consolidated to include both formal and substantive examinations, ensuring thorough and accurate assessments.
- Full operationalisation and support for the Plant Breeders' Rights Office to promote the development of plant variety protection.
- Consolidation of IP enforcement regulations into a standalone enforcement act and establishment of a single agency for IP enforcement to address coordination challenges and increase efficiency.
- Improved collaboration between IP enforcement agencies, including the police and Customs to enhance enforcement initiatives through shared intelligence and best practices.
- Utilisation of technology-based solutions and conduct of research to assess counterfeiting and piracy to inform targeted interventions.

Comment

The inauguration of the inter-ministerial committee by the Ministry of Industry, Trade and Investment to review and enhance Nigeria's draft National IP Policy and Strategy marks a pivotal step towards modernising the nation's IP framework. If the updated IP policy is finalised and approved, Nigeria can expect significant advancements, including enhanced legal protections, streamlined administrative processes and stronger enforcement mechanisms. These changes will address existing challenges and position Nigeria as a competitive player in the global IP arena, and drive economic growth and innovation across various sectors of the Nigerian economy.

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