FEDERAL REPUBLIC OF NIGERIA



NATIONAL INTELLECTUAL PROPERTY

POLICY AND STRATEGY

2025



THE FEDERAL REPUBLIC OF NIGERIA

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LIST OF ABBREVIATIONS

ACC	Anti-Counterfeit Coalition
ADR	Alternative Dispute Resolution
AfCFTA	African Continental Free Trade Agreement
ARIPO	African Regional Intellectual Property Organization
ARCN	Agricultural Research Council of Nigeria
BOI	Bank of Industry
CAC	Corporate Affairs Commission
CAMA	Companies and Allied Matters Act
CBN	Central Bank of Nigeria
EFCC	Economic and Financial Crime Commission
FCCPA	Federal Competition and Consumer Protection Act
FCPCC	Federal Consumer and Competition Protection Commission (FCCPC)
FHC	Federal High Court
FDAHS	Federal Department of Animal Production and Husbandry Services
FMARD	Federal Ministry of Agriculture and Rural Development
FMACCE	Federal Ministry of Art, Culture and Creative Economy
FMITI	Federal Ministry of Industry, Trade and Investment
FMINO	Federal Ministry of Information and National Orientation
FMST	Federal Ministry of Science and Technology
FUTA	Federal University of Technology, Akure
FUNAAB	Federal University of Agriculture Abeokuta
FARA	Forum for Agricultural Research in Africa
GDP	Gross Domestic Product
ICGEB	International Centre for Genetic Engineering and Biotechnology
ICT	Information and Communication Technology
IITA	International Institute of Tropical Agriculture
IP	Intellectual Property
IPRs	Intellectual Property Rights
IPTTO	Intellectual Property and Technology Transfer Office
INTERPOL	International Criminal Police Organization
LCCI	Lagos Chamber of commerce and Industries
LFN	Laws of the Federation of Nigeria
NABDA	National Biotechnology Development Agency
NACETEM	National Centre for Technology Management
NACGRAB	National Centre for Genetic Resources and Biotechnology

NAFDAC	National Agency for Food and Drug Administration and Control
NSA	Nigeria Startup Act
NASC	National Agricultural Seeds Council
NAPRI	National Animal Production Research Institute
NBDA	National Biotechnology Development Agency
NESG	Nigerian Economic Summit Group
NCC	Nigerian Copyright Commission
NIAS	Nigerian Institute of Animal Science
NIPRD	National Institute for Pharmaceutical Research and Development
NIPRD	National Institute for Pharmaceutical Research and Development
NITDA	National Information Development Agency
NNMDA	Nigeria Natural Medicine Development Agency
NOTAP	National Office for Technology Acquisition and Promotion
NIPCOM	Nigerian Intellectual Property Commission
NUC	National Universities Commission
NVRC	National Varieties Release Committee
PBR	Plant Breeders Right
PCT	Patent Cooperation Treaty
PVP	Plant Variety Protection
RMRDC	The Raw Materials Research Development Council
R & D	Research and Development
SMEs	Small and Medium Enterprises
SON	Standards Organization of Nigeria
TISC	Technology Innovation Support Centre
TETFund	Tertiary Education Trust Fund
TRIPS	Agreement on Trade Related Aspects of Intellectual Property
TK	Traditional Knowledge
TM	Traditional Medicine
TTOs	Technology Transfer Offices
UNODC	United Nations Office on Drugs and Crime
UPOV	International Union for the Protection of New Varieties of Plants
WIPO	World Intellectual Property Organization



CHAPTER 1

INTRODUCTION

1.1 Background

The development of this National Intellectual Property Policy and Strategy (NIPPS), commenced in 2020, arising from the collaboration between the Federal Government of Nigeria (FGN) and the World Intellectual Property Organization (WIPO). The process consisted of two phases. Phase I of the project, which was undertaken in 2020-2021, comprised the preparation of an inception/preliminary IP audit report to establish the status of IP country wide. The IP Audit Report examined the state of the IP system in Nigeria, focusing on the interface between the use of the IP system and the economic development of the country, through innovation and creativity. The audit exercise also examined existing legal, administrative and enforcement structures related to IP as well as national policies and strategies related to economic, social and cultural development, pointing out weaknesses, strength and opportunities, and proposing measures to strengthen the relevant institutions. Phase II of the project, which commenced in January 2022, entailed the elaboration of the IP Strategy based on the findings and recommendations of the IP Audit Report. It was deemed necessary at this stage to update the Audit Report findings based on focus group discussions with stakeholders, meetings with relevant senior government and policymaking officials and institutions.

Nigeria took further steps to address emerging intellectual property concerns following the activities which began in 2022. In May 2024, the Honourable Ministers of Industry, Trade and Investment; Art, Culture, Tourism and the Creative Economy; and the Honourable Attorney-General of the Federation and Minister of Justice constituted a Technical Working Committee to review the draft IP Policy, with a focus on incorporating additional inputs and addressing emerging issues across various IP domains. Further to this, in 2025, the Honourable Minister of Industry, Trade and Investment undertook targeted engagements with key IP practitioners and stakeholders to solicit final inputs, enrich the policy content, and ensure its alignment with current global trends and national development priorities.

1.2 Vision, Mission, and Strategic Objectives

The Vision, Mission and Strategic Objectives of the National Intellectual Property Policy and Strategy for Nigeria are as follows:

1.2.1 Vision

Utilizing Intellectual Property for Sustainable National Prosperity.

1.2.2 Mission

To promote a comprehensive and conducive IP ecosystem as a catalyst for harnessing the full potential of IP for socio-cultural development and sustainable economic growth.

1.2.3 Strategic Objectives

The strategic objectives of the National Intellectual Property Policy and Strategy for Nigeria are:

(a) To strengthen legal framework for protection of intellectual property rights in Nigeria.

(b) To strengthen institutional framework for the administration and management of intellectual property rights in Nigeria.

(c) To enhance generation and protection of intellectual property rights.

(d) To promote and facilitate commercial exploitation of IP assets and technology transfer.

(e) To strengthen the legal and institutional framework for enforcement of IP rights in Nigeria.

(f) To develop the required human resources for the administration, protection, commercialization, and enforcement of IP rights.

(g) To promote IP training, education and awareness.

The Vision and Mission of NIPPS will be pursued through the above highlighted seven strategic objectives, nine policy objectives as well as several programs and projects. An implementation structure has been provided to ensure smooth coordination of the implementation of NIPPS in the short and medium term. It is assumed that the NIPPS will be reviewed from time to time to take care of emerging IP issues, and that a separate implementation plan may be prepared aligned to the government□s planning cycle.

1.3 Chapterisation

The National Intellectual Property Policy and Strategy consists of the following seven chapters:

(a) Chapter 1: Introduction

(b) Chapter 2: Situation Analysis

(c) Chapter 3: Strategic Direction

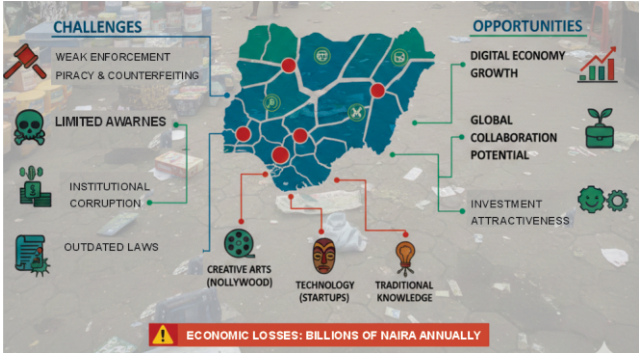
(d) Chapter 4: Policy Objectives and Strategies

(e) Chapter 5: Programs and Projects

(f) Chapter 6: Implementation Structure

(g) Chapter 7: Monitoring and Evaluation





SITUATION ANALYSIS

2.1 Legal Framework for the Administration of Intellectual Property Rights

2.1.1 Industrial Property Rights

Currently, Nigeria has legislations for the administration of patents, designs, and trade marks. Patents and designs are administered by the Patents and Designs Act, Chapter P.2 of the Laws of the Federal Republic of Nigeria (2004), while trade mark matters are governed by common law and statutory provisions. The statutory provisions are regulated by the Federal Government through various laws such as the Trade Marks Act[1] (TMA) and the Merchandise Marks Act[2]; albeit some elements of trade mark protection are also contained in the provisions of the National Agency for Food and Drug Administration and Control Act[3] (NAFDAC), the Companies and Allied Matters Act of 2020 (CAMA 2020) and the Standards Organisation of Nigeria Act[4] (SON). All aspects of trade mark engagements other than the issues relating to common law rights are regulated by the Federal Government and therefore it follows that these laws have national application in their coverage. However, currently there is no legislation for the administration of trade secrets, databases, integrated circuits, geographical indications, utility models or petty patents. For trade secrets, or confidential information, section 37 of the Constitution[5] guarantees a form of privacy as a fundamental right. There are remedies under common law for breach of confidential information and privacy. There is no special legislation for databases, but this is protectable under the Copyright Act. There is no special statute on integrated circuits, but they can be protected and registered as industrial designs. There is no special protection for geographical indications or appellations of origin.

2.1.2 Copyright and Related Rights

The Copyright Act, 2022 is the current source of the Nigerian Copyright Law. The Act was signed into law on March 17, 2023. It repealed the Copyright Act, Cap C28, Laws of the Federation of Nigeria 2004 to provide for the regulation, protection and administration of copyright and for related matters.

The objectives of the Act as set out in section 1 are to:

(a) protect the rights of authors to ensure just rewards and recognition for their intellectual efforts;

(b) provide appropriate limitations and exceptions to guarantee access to creative works;

[1] The 1965 Trade Marks Act recodified as Cap. T13 Law of the Federation of Nigeria 2004
[2] Recodified as Cap. M10 Laws of the Federation of Nigeria 2004
[3] Cap. N1 Laws of the Federation of Nigeria 2004
[4] Cap. 14 Laws of the Federation of Nigeria 2015
[5] Constitution of the Federal Republic of Nigeria 1999 (as amended)

(c) facilitate Nigeria□s compliance with obligations arising from relevant international copyright treaties and conventions; and

(d) enhance the capacity of the Nigerian Copyright Commission for effective regulation, administration, and enforcement of the provisions of the Copyright Act.

The multi-pronged approach adopted during the re-enactment of the Copyright Act sought to rebuild the support structures and promote the better use of the copyright ecosystem. The reform blueprint specifically identified the need to:

- enhance the interests of Nigeria's core cultural industries by reflecting their unique characteristics and facilitating the penetration of foreign markets;
- ensure Nigeria's compliance with its international obligations, as included in the TRIPS Agreement and the WIPO Internet Treaties
- take advantage of available exceptions and limitations to facilitate access to educational materials, technology transfer and broad diffusion of knowledge
- incorporate specialized schemes reflective of Nigeria's unique cultural and social conditions to strengthen the copyright industries, address gaps in copyright administration; and facilitate effective royalty schemes.

The new Copyright Act has introduced significant improvements to Nigeria's copyright landscape, enhancing authors' rights in the digital and online environment.

2.1.3 Plant/Animal Variety Rights

The protection for plant is by a sui generis system, under the recently enacted Plant Variety Protection Act, 2021, of Nigeria, which covers all general and species. Apart from protecting plant varieties, the PVP Act of 2021 encourages investment in plant breeding and crop variety development and establishes a Plant Variety Protection Office for the promotion of increased staple crop productivity for smallholder farmers in Nigeria. However, the PVP Regulations will need to be developed to operationalize the PVP Act 2021. In addition, the Patents and Designs Acts also provide for the grant of patents for biotech invention as pertaining to plants and animals. There is no animal variety protection law.

2.1.4 Traditional Knowledge and Traditional Medicine

Traditional Knowledge (TK) and Traditional Medicine are not protected by patents, but there is protection for some TK as folklore under copyright. The Nigeria Natural Medicine Development Agency (NNMDA) facilitated the development of a draft IP Policy and Legal Framework for the protection of TK as of 2005, which was validated by stakeholders through workshops conducted across the six geopolitical zones of Nigeria. However, there is very low level of understanding of the importance of such policy in the public sector as well as amongst organized private sector organizations.

A national registry for the documentation and protection of traditional knowledge and cultural expression should be established. This registry can be domiciled in the relevant IP agencies with existing functions relative to creation and exploitation of traditional knowledge and cultural

expression. This can be enhanced by the setting up of dedicated resources to strengthen the legal framework and support indigenous communities in the creation, protection and commercialization of the IP associated with TK and CE.

2.1.5 Consumer Protection and Business Facilitation

The Federal Competition and Consumer Protection Act (2018), the Business Facilitation (Miscellaneous Provisions) Act (2023) and the Nigerian Code of Advertisement (2023) are recent legal frameworks to enhance the enforcement of IP violations and safeguard abuse in the exploitation of IP rights.

2.1.6 Digital Innovation Rights

The National Information Technology Development Agency (NITDA) Act 2007 Act No. 28 empowered NITDA to create a framework for the planning, research, development, standardization, application, coordination, monitoring, evaluation and regulation of information technology practices in Nigeria by developing standards, guidelines and regulations for that purpose. Furthermore, The Nigeria Startup Act, 2022 provides a legal and institutional framework for the creation and development of an enabling environment for technology-enabled startups in Nigeria. It provides for the development and growth of technology-related talents and position Nigeria□s startup ecosystem, as the leading digital technology centre in Africa, having excellent innovators with cutting edge skills and exportable capacity. The Act provides for the establishment of the National Council for Digital Innovation and Entrepreneurship with the mandate to among other things, ensure the monitoring and evaluation of the regulatory framework to encourage the development of startups in Nigeria and support digital technological development through grants to persons, research institutions, and universities pursuing postgraduate programmes in the areas of science, technology and innovation. The Council has the power to review policies and directives of Ministries, Departments and Agencies (MDAs) which may affect the operation, establishment and investments in a startup.

2.1.7 International Treaties, Agreements, and Protocols

(a) Industrial Property Rights

For industrial property, Nigeria is a member of the WIPO Convention, the Paris Convention for the Protection of Industrial Property, the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, and the Patent Cooperation Treaty (PCT).

As a member of the World Trade Organization (WTO), Nigeria is also party to the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). Though Nigeria□s Industrial Property laws predate the TRIPS Agreement, they are substantially consistent with the fundamental provisions within the agreement. However, the absence of regulations for protection of trade secrets, databases, integrated circuits, geographical indications, remains a challenge to conformity with TRIPS. Another area of treaty compliance is section 31 of Trade Marks Act which seems to be at variance with Article 15.3 of TRIPS that provides for a three-year period after the filing date. There is also the issue of lack of provision for the registration of service marks under the Act as against the provisions of Articles 15.1 and 16.2 of the TRIPS agreement.

(b) Copyright and Related Rights

The international treaties and conventions related to copyright are: the Berne Convention, the Universal Copyright Convention (UCC), the International Convention for the Protection of Performers Producers of Phonograms and Broadcasting Organizations (Rome Convention) 1961, the WIPO Copyright Treaty (WCT), the WIPO Performances and Phonograms Treaty (WPPT), the Beijing Treaty on Audiovisual Performances, the Marrakesh Treaty and the Trade Related Aspect of Intellectual Property (TRIPS) Agreement. All these treaties have now been domesticated under the Copyright Act, 2022.

(c) Plant Variety Protection

Following the enactment of the PVP Act (2021), Nigeria joined UPOV in March 2025, as a move towards securing greater participation and investment in international trade through conformity with the UPOV model of plant variety protection.

(d) Patents, Genetic Resources and Associated Traditional Knowledge

Nigeria adopted the World Intellectual Property Organisation Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge on May 24, 2024. However, provisions of the Treaty are yet to be domesticated into the relevant sections of the intellectual property laws in Nigeria.

(e) AfCFTA Protocol on Intellectual Property Rights

The most current and significant legally recognized agreement on Nigeria is the AfCFTA Protocol on Intellectual Property Rights (IPRs) adopted by the AU Assembly during its 36th Ordinary Session held from 18 to 19 February 2023 in Addis Ababa, Ethiopia. The Protocol underscores a shared commitment by State Parties to safeguard and uphold IPRs, maintain the healthy balance of IP systems, and affirm the value of IP in promoting intra-African trade. All types of intellectual property rights are covered by the agreement, including marks, designs, patents, copyright, plant variety protection, utility models, geographical indications, genetic resources, traditional knowledge and cultural expressions, trade secrets, and emerging technologies. On their implementation, Nigeria has opened a new office, the Nigeria AfCFTA Implementation Coordination Office in Abuja. This gives Nigeria the opportunity to reform its policies, laws and practices for the benefit of its economy and concerned stakeholders.

The Protocol awaits the requisite number of ratifications to come into effect. Nevertheless, Nigeria continues to prioritise the AfCFTA as a strategic framework for advancing regional trade and economic integration.

2.2 Institutional Framework for the Administration of Intellectual Property Rights

2.2.1 Patents and Designs Registry (PDR)

The Patents and Designs Registry (PDR) was set up pursuant to the Patents and Designs Act which defines its functions and provides that the head of the Registry shall be a Legal Practitioner of the Registrar Cadre. PDR is mandated to administer, protect, promote and regulate Patents and Industrial Designs System in Nigeria.

In the administration of patents and designs rights, the PDR operates a pre-registration and post-registration grant system. For the pre-registration, the PDR administers the grant of certificates for patents and designs for local patent applications and foreign/convention applications. For the post registration, the PDR grants recordals which include renewal, registration of assignments, licenses and mortgages of patents and designs right. It also manages the Patents and Designs Database. For the protection of patents and designs, it grants exclusive rights for a limited period to the applicant of these rights within which they can recoup the cost of their investment in their intellectual creation. For promotion of patents and industrial designs rights, the PDR organizes periodic sensitization programmes with universities and IP hubs. It also collaborates with WIPO, European Patents Office (EPO) and United States Patent and Trademark Office (USPTO) to organize customized training on IP for different sectors of the economy, depending on their respective needs and demand. The PDR also works with WIPO to establish, monitor and evaluate Technology and Innovation Support Centres (TISC) in universities across Nigeria and recently in innovation hubs. These centres act as IP hubs to assist inventors within their ecosystem to search for prior art before filing for a patent, to build capacity in patent drafting and general IP knowledge and for harvesting of Intellectual Property created within their ecosystem. For the Regulation of IP rights, the PDR has set up an Administrative Panel that meets periodically to hear and determine cases bordering on the violation of patents &designs rights. Patentees resort to the Registry for intervention before proceeding to the Federal High Court. The Registry is also partnering with the United States Embassy to organize IP trainings for Judges to enhance their IP skills in handling matters pertaining to IP infringement. The Patents and Designs Registry has two Divisions: The Patents Division and Designs Division.

The Registry relies on the WIPO Distance Learning Programme to increase the IP knowledge of its staff, and it collaborates with WIPO and other agencies to offer capacity building programmes to the public. The largest sector for patent applications is the pharmaceutical sector, while the manufacturing sector is the largest for designs.

In compliance with the Patents & Designs Act, in April 2019, the supervising Minister of the Federal Ministry of Industry, Trade and Investment granted an administrative approval for the expansion of the Patents& Designs Act to include utility models and business method patents which form part of lesser patents.

By the provision of the Patents & Designs Act, the Registry undertakes only formal examination of patent applications. Also, section 3(2)(d) of the Patent and Design Act provides for clear and complete disclosure from applicants, as insufficient disclosure or failure to meet the patentability text can cause nullification of patent rights in court.

The Registry issues journal publications which provide information on patents and design applications which have been received and approved. These publications serve not only as public records but also serve as a resource guide to inventors towards areas of high interest in creativity and innovation.

The Registry is a non-autonomous body of the Commercial Law Department of the Federal Ministry of Industry, Trade and Investment.

The appointment of staff is through a non-pool Registrar cadre by the Federal Civil Service Commission, supported by administrative pool officers.

The Nigerian Patent Office has designated WIPO as a Receiving Office on its behalf for PCT applications.

Some of the current challenges and gaps facing the PDR are:

(a) The Registry does not engage in substantive examination of patent applications as this is not provided under the present Patent and Designs Act. If introduced by an act of amendment of the Patent Act, the Registry will have to employ and train patent examiners that will possess expertise in various fields of technology.

(b) The Registry activities are in dire need of automation to enable smooth and speedy service delivery.

(c) Lack of funds to establish WIPO TISC platforms and EPO Patlib centres to bridge the gap for patentability searches requested by the inventing community, universities and research institutions.

(d) Lack of steady power source and access to internet service affects smooth and effective timeline of service delivery at the Registry.

2.2.2 Trade Mark Registry

The legal structure of the Trade Mark Registry is derived from the provisions of the Trade Mark Act establishing that office, setting out its functions and appointing the Registrar. These functions and powers are both administrative and quasi-judicial in nature. The main function of the Trade Mark Registry is to register and maintain the validity of trade marks, record any form of status change within a registered trademark dispensation and attend to administrative and quasi-judicial contentions arising from the process of trade mark registration or validation. The office of the Registrar and indeed the Registry is national in operation and the application of issues arising from trade mark matters are also federal in nature; meaning that rights obtained, and decisions made are applicable and enforceable within the length and breadth of the country.

The Trade Mark Registry facilitates Nigeria□s compliance with obligations arising from relevant international treaties and conventions on trade marks. The Registry also supports the capacity-building of its examiners and opposition officers for effective regulation, administration, and enforcement of trademark rights. In addition, interagency collaboration to support economic growth and sustainability is a priority for the Registry.

The Trade Mark Registry has two divisions, viz: the Registry Division, and the Opposition/Litigation and Certificate Division. Each division is headed by officers within the rank of Assistant Chief Registrar, and both report to the Registrar. Within the opposition/litigation and certificate division sits the □tribunal□ in quasi-judicial capacity to handle oppositions and other forms of contentions. The decision of the tribunal is deemed to be that of the Registrar and carries the weight of law. It is enforceable and appealable to the Federal High Court. Some of the shortcomings with the administration of trade marks are:

(a) **Staffing:** The Registry is a non-autonomous arm of the Federal Ministry of Industry, Trade and Investment. This position envisages that appointments into the Registry will be undertaken directly, not by the Registry, but rather through the pool of persons appointed under the auspices of the Federal Civil Service Commission, posted to the Ministry, and seconded to the Registry. This is a challenging situation because there have been cases where people from other ministries with very limited knowledge of industrial property law have been appointed to head the Registry.

(b) **Compactus Filing Room**: The Trade Mark Registry utilizes the Compactus Filing Room that deploys mobile shelving units that slide on tracks. The rationale for the Registry's use of this filing room system is as follows:

(i) **Maximize Space Efficiency**:
- Compactus systems use mobile shelving units that slide on tracks.
- This eliminates the need for multiple fixed aisles, significantly increasing storage capacity in a limited area.

(ii) **Organized Document Storage:**
- Files are arranged in a systematic and accessible way, improving record management.
- Often used for legal, administrative, medical, and archival documents.

(iii) **Security and Access Control:**
- The room is usually lockable, with restricted access to ensure confidentiality and prevent unauthorized handling of sensitive records.

(iv) **Preservation of Records:**
- Shelving units may be built with materials that protect documents from moisture, dust, and pests.
- Ideal for storing trademarks file records.

There is an urgent need for expansion of the current Compactus Filing Room which is now full to the brim.

(c) **Automation:** Beyond the basic automation of the filing process, substantial levels of activities at the Registry are not automated. Though mindful of the need for automation, it is evident that funding constitutes a major challenge to achieving this goal. Automation and modernization will certainly defray some cost elements in trade mark portfolio management. The capacity of staff to manage the automated system is also a challenge.

(d) **Communication:** Communication is a major issue at the Trade Marks Office because the main means of communicating is through postage, which for all intent and purposes is outdated in this era. It is necessary for the office to incorporate a digital master server in its communication capacity that will incorporate the identities of all

staff who have authority to communicate with external parties. The official web site can also be utilized as a secondary platform for sensitization.

(e) **Trade Marks Journal Publication:** The publication of the Trade Marks Journal is a statutory mandate of the Trade Mark Registry under section 63 of the Trade Marks Act. Typically, each publication contains about 5000 accepted trademark applications and provides a platform for possible oppositions by interested parties, within two months of publication date as provided for under section 20 of the Trade Marks Act. Regular publication of journals facilitates faster processing of pending registrations.

(f) **IP Tribunal:** The IP Tribunal is utilized in opposition matters. Currently, the Registrar is responsible for setting up the Tribunal, albeit upon receiving the approval of the supervising minister. The IP Tribunal is set up as a permanent unit within the Registry with the sole purpose of attending to opposition or other contentious matters.

(g) **Accreditation of Agents:** The Registry has in place a system of accreditation of agents. One of the major shortcomings of the present system is that it has no basis whatsoever in determining who qualifies as an agent . Furthermore, the operating portal does not permit for change of agent by proprietors or applicants; accordingly, parties who have lost communication with their agents or have discharged their agents will have their application abandoned.

2.2.3 The Nigerian Copyright Commission

The Copyright Act, 2022 establishes the Nigerian Copyright Commission as the main copyright institution mandated with the responsibility of administration and enforcement of copyright in Nigeria[6]. The administrative structure of copyright in Nigeria lies with the Nigerian Copyright Commission. The Commission is a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name[7]. The Copyright Decree which was amended in 1992 and in 1999 transformed the Commission from an administrative agency to a regulatory and enforcement agency with additional powers to prosecute copyright offences. The Commission is an autonomous agency under the supervision of the Federal Ministry of Justice. The Minister is empowered under section 99 of the Copyright Act, to give directives of a general or special character with respect to any functions of the Commission. The Senate Committee on Judiciary, Human Rights and Legal Matters and the House Committee on Justice exercise oversight functions over the Commission.[8]

The Commission is supervised by a 12-member Governing Board appointed by the President on the recommendation of the Minister. The Chairman is required to be a person knowledgeable in copyright matters appointed by the President[9]. Other members of the Board are the Director General[10], one representative each from the Federal Ministry of Justice, the Federal Ministry of

[6] The NCC was inaugurated as a Council but became a Commission in April 1996.
[7] Section 77(1) Copyright Act.
[8] This oversight functions may be carried out through periodic visits and interactions, from time to time, with the Departments and Agencies.
[9] Section 79(1) (a) Copyright Act.
[10] Section 79(1) (b) ibid.

Art, Culture and Creative Economy, the Nigerian Police Force[11] and the Nigerian Custom Service[12]. The remaining members are six people appointed by the Minister who represent as far as possible authors in the creative industry[13]. The Director-General is responsible for the day-to-day running of the Commission, and he is required to be a person with proven knowledge of copyright with at least 15 years cognate experience in copyright practice and administration who is appointed by the President on the recommendation of the Minister.[14]

Administratively, the Commission is divided into nine (8) departments. These are: Administration; Finance and Accounts; Planning, Research and Statistics; Legal Services; Operations; Regulatory and Compliance; Public Affairs and the Nigerian Copyright Academy. For administrative efficiency, the Commission has four (4) Units. These are: Anti-Corruption & Transparency Unit, Information & Communication Technology (ICT) Unit, Internal Audit Unit and Procurement Unit. Each Department is headed by a Director who reports to the Director General. Offices headed by Senior officers, are established across the country for effective administration and for the presence of the Commission to be felt across the country. There are14 State Offices operating across the country.

The Head office of the Commission is located in Abuja.

According to section 78(1) of the Act, the Commission shall:

(a) be responsible for all matters relating to copyright, including administration, regulation and enforcement in Nigeria;

(b) monitor and advise Government on Nigeria's position in relation to bilateral and multilateral agreements between Nigeria and any other country;

(c) investigate and redress cases of infringement of copyright and settle disputes of copyright, where those disputes have not been specifically reserved for settlement under the Act;

(d) enlighten and inform the public on matters relating to copyright;

(e) create and maintain a register and database relating to copyright works;

(f) provide access to documents and information relating to any copyright kept or maintained by the Commission;

(g) be responsible for such other matters as relate to copyright in Nigeria; and

(h) exercise any other functions and duties as may be necessary for the attainment of the object of the Act.

Section 78(2) of the Act also gives the Commission powers to:

(a) prosecute, conduct or defend before a court any charge, information, complaint or other proceedings arising under the Act;

(b) levy such charges or fees as may be reasonable for services and facilities provided by the

[11] Note that the representatives of the Police must not be below the rank of the Commissioner of Police while that of Custom must not be below the rank of a Comptroller of Customs. (Section 79(1) (e), (f) of the Copyright Act.

[12] Section 79(1) (b)-(f) ibid.

[13] These are literary works, artistic works, musical works, audiovisual works, sound recordings and broadcast. Section 79(1)(g) ibid.

[14] Section 79(1) (a) ibid.

Commission;

(c) regulate and implement measures to promote protection of copyright;

(d) regulate the conduct of collective management of rights; and

(e) exercise such other powers as are incidental to any of its objects under the Act.

Some of the key features of the Commission are:

(a) **Funding:** Funding for the Commission is provided by the Government. Although, the Commission generates income through fees paid through some of its schemes like copyright registration, licensing fees Collective Management Organisation operations, etc., all is remitted to the purse of the Federal Government, as it does not enjoy any financial autonomy. The NCC lacks adequate budgetary allocation and does not have the authority to use the generated revenue. Insufficient funding is a major challenge confronting the NCC. It is recommended that efforts should be made to creatively engage local and international development partners, Civil Society Organizations and right owners associations for grants and financial assistance to enable it carry out its mandate[15]. Some public private partnership could also be helpful in this respect. A trust fund for the protection of the creative industry could be established through these means[16]. In addition, the possibility of engaging the appropriate committee of the National Assembly for more budgetary allocation to NCC should be explored.

The Copyright Levy, provided for under the Copyright Act, when fully implemented, will improve the Commission sfunding. Essentially, the fund from the Levy is designed to support anti-piracy operations, promote creativity, compensate right owners through their respective Collective Management Organisations and cater for administration of the scheme by the various role players agencies.

(b) **Staffing:** The Commission is empowered by the Copyright Act to appoint such other staff as it may determine [17], and to pay its staff such remuneration and allowances as it may, from time to time, determine [18]. This means that NCC can recruit staff as and when needs arise at will. In actual practice, the Commission does not have the liberty to recruit at will, as the exercise is subject to obtaining government permission. In terms of capacity building, NCC has the Nigerian Copyright Academy. It also relies a lot on the WIPO Distance Learning Programme to increase the IP knowledge of its staff.

(c) **Copyright Registration:** The Copyright Act in section 87 now provides for the voluntary registration of works. This replaces the old Copyright Notification Scheme. Registered works are entitled to the statutory presumptions under section 43 of the Copyright Act. There should be more incentives for right owners to register and although the process is

[15]The Commission has benefited from interventions from this source in pursuing its statutory mandate in times past. For instance, a survey on the State of Piracy in the Nigerian Copyright based industry was carried out with support from the Ford Foundation in 2006. Right owners associations have also rendered assistance to the Commission in termsof funding support for some of its activities in times past.

[16]Similar schemes, such as the Nigerian Police Trust Fund and Lagos State Security Trust Fund have been established to support the Police

[17] Section 36(3)(a) Copyright Act.

[18] Section 36 (3)(b) ibid.

now fully electronic, the system needs to be overhauled and made more efficient and customer friendly.[19]

(d) **Folklore:** The task of protecting and administering folklore is vested in the Nigerian Copyright Commission in section75 of the Copyright Act. Anyone who, without the consent of the Commission, uses an expression of folklore in a manner not permitted in section73 shall be in breach of statutory duty and liable to the Commission in damages, injunction and any other remedies as the court may deem fit to award in the circumstances. Violations of expression of folklore is criminalized in section 76. A court, before which the said offence is tried, may order that the infringing or offending article be delivered to the Commission. However, stakeholders have noted that the Commission has not given any serious attention to folklore administration, which requires a lot of study and research to establish its IP asset status and to have information that will guide in mapping out appropriate strategy that will aid the Commission in discharging its statutory mandate in respect of folklore.

2.2.4 National Office for Technology Acquisition and Promotion (NOTAP)

The National Office for Technology Acquisition and Promotion (NOTAP) is a federal government agency established under the NOTAP Act, Cap. N62 Laws of the Federation of Nigeria, 2004. It operates under the Federal Ministry of Innovation, Science and Technology and is primarily empowered to:

- Evaluate and register technology transfer agreements.
- Promote commercialization of R&D outputs.
- Promote innovations and assist in patent registration.
- Promote the development and transfer of local technology.

The functions and services of NOTAP include

- Advising and assisting in negotiating technology licensing agreements.
- Facilitating the filing and registration of patents for universities (free of charge).
- Promoting local innovation through its Technology Innovation and Commercialization Department.
- Coordinating institutional Intellectual Property and Technology Transfer Offices (IPTTOs).

In carrying out its functions, the agency has the following as some of its strategic initiatives:

- IPTTOs: NOTAP has established Intellectual Property and Technology Transfer Offices in universities, polytechnics, and research institutions to support IP management, commercialization, and linkage with the relevant industries.

[19]Being a member of the Berne Convention, Nigeria is obliged to protect copyright works without a further requirement of registration. Hence section 4 of the Act provides that eligibility for copyright under the Act shall not require any formality.

- Patent Drafting Training: Conducts workshops to train researchers and university staff on drafting patent specifications.
- Policy Development: Conducts training workshops for developing institutional IP policies and commercialization frameworks.
- Industry-Academia Linkage: NOTAP facilitates industry sponsored fellowship grants for the academia to promote demand-driven research and development efforts.

2.2.5 The Plant Variety Protection Office

The Plant Breeders Rights Office is a semi-autonomous institution under the National Agricultural Seeds Council (NASC) with oversight by the NASC Board. The Board Chair and other members (all four in number) are appointed by the President. The NASC Board also comprises of other key stakeholders from government and private sector as well as farmer organizations. The NASC Board approves the appointment of the Registrar of the PVP office upon the recommendation of the DG NASC. In addition to the Board, there is the PVP Advisory Committee with members from the Ministry of Agriculture, breeders, association, seed association, farmer□s association, university, Attorney General's office, National Office for Technology Acquisition &Protection (NOTAP), Quarantine, Bio-safety Management, Biotech Development, Crop Variety Release, Registrar of Trade Marks, Registrar of Patents and Designs, and the PVP Registrar. According to the Plant Variety Protection Act, 2021, the mandate of the office, includes: grant breeder□s rights, maintain a register and provide information on plant breeders rights issued in Nigeria, facilitate transfer and licensing of plant breeders rights, collaborate with local and international bodies whose functions relate to plant breeders rights, and perform any other functions as are necessary for the furtherance of the objects of this Act.

The office is to be funded through the Plant Breeders Rights Development (PBRD) Fund, which is provided for under the Act. Sources of funds to the PBRD Fund include fees payable under the PVP Act and any donation or grant from the government or any other person. The fund is to be applied for the development and promotion of the plant breeders□rights; training of plant breeders on matters concerning plant breeders□ rights; establishment and maintenance of variety collection and database; and any other activity relating to the administration of the Act. The Nigeria PVP Office is still in its infant stage of establishment.

2.2.6 National Information Technology Development Agency (NITDA)

NITDA is the Agency of the Federal Government, domiciled under the Federal Ministry of Communications, Innovation and Digital Economy, saddled with the responsibility of developing and regulating information technology in Nigeria. Among its responsibilities are the following: guaranteeing that information technology and systems are widely accessible throughout the country; providing guidelines for the creation and upkeep of suitable IT and systems applications in Nigeria for the public and private sectors, urban-rural development, the economy, and the government; create policies for electronic governance, tracking electronic data exchange, and overseeing communication across several sectors; create standards and certification for information technology escrow source and object codes, build rules for networking public and private sector establishments, and create recommendations for establishing information technology systems and knowledge parks; provide suitable legislation and incentives to stimulate

private sector investment in the information technology sector; advise the Nigerian government on how to advance IT development and strengthen national security, industry vitality, and internet governance.

The Nigeria Startup Act, 2022, in section 9(1), specifies that NITDA will function as the Secretariat of the National Council for Digital Innovation and Entrepreneurship. The section outlines the role of NITDA in the protection of intellectual property rights. NITDA is required by section 31 to ensure that holders of intellectual property rights are encouraged to exploit these rights and shall take steps towards assisting them internationalize and commercialize their rights. The referred section states that NITDA shall collaborate with the Nigerian Copyright Commission, the Trade Marks and Patent and Design Registries, in ensuring that they - (a) designate a separate section on the Startup Portal to ease registration of intellectual property for labelled startups ; (b) provide assistance to labelled startups for facilitating the application for grant or revocation of patents and institution of legal action for infringement of any intellectual property rights ; and (c) facilitate assistance to labelled startups for the filing and registration of their trade marks and patents at the international level. NITDA is to further collaborate with the Nigerian Copyright Commission and the Trade Marks, Patent and Design Registries to ensure that registration and protection of intellectual property of labelled startups is seamless, expedited and in accordance with the provisions of the Act.

2.3 Generation and Protection of Intellectual Property Rights

2.3.1 Policy Incentives for Generating, Promoting and Protection of Innovation

The main policies that recognize the importance of generation, protection and commercialization of intellectual property are the Science, Technology and Innovation Policy (2012), the National Digital Economy Policy and Strategy (2020-2030) and Institutional IP Policies, amongst others.

2.3.1.1 Science, Technology and Innovation Policy (2022)

This is the second government policy on science, technology and innovation coordinated by Federal Ministry for Science and Technology (FMST) and is being implemented by universities and research institutes. It replaced the first National Science and Technology Policy of 1986, which was reviewed in 1997, 2003 and 2022. The key notable- feature of the STI Policy (2022) is the emphasis on Innovation, which has become a global tool for sustainable development. The STI Policy (2022) has eight policy objectives, out of which, the following three are directly related to intellectual property:

(a) Facilitate the acquisition of knowledge to adapt, utilize, replicate and diffuse technologies for the growth of SMEs, agricultural development, food security, power generation and poverty reduction.

(b) Encourage and promote creation of innovative enterprises utilizing Nigeria's indigenous knowledge and technology to produce marketable goods and services.

(c) Support mechanisms to harness, promote, commercialize, and diffuse locally developed technologies to produce globally competitive goods and services that intensively utilize

Nigeria□s raw materials.

In terms of Intellectual Property Rights, the STI Policy (2022) recognizes the need to create and protect Intellectual Property Rights (IPR) and give recognition to inventors to stimulate the development of inventions as well as create wealth for IP owners and the country. This would be realized through the following strategies, amongst others:

(a) Ensuring adequate recognition for IP, promotion, and protection of inventions, traditional knowledge, indigenous technology, and other intellectual assets.

(b) Building local capacities in IP management for effective transfer of technology.

(c) Promoting awareness programs on IP at all levels of education.

(d) Establishing and strengthening technology transfer offices for effective management and utilization of IP Rights (this should be replaced with technology). Note that NOTAP is a technology transfer office and should not assume the role of an IP office, instead IP office should be empowered to deliver on their respective mandates, resting the functions of IP offices in NOTAP will create more gaps in the system as they do not possess the expertise to deliver on these. This is why each IP office has its own mandate. in all universities, polytechnics, research institutes, and other public and private organizations.

(e) Providing appropriate incentives to inventors to stimulate creativity and innovations.

2.3.1.2 National Digital Economy Policy and Strategy (2020-2030)

The National Digital Economy Policy and Strategy (2020-2030) has been developed to reposition the Nigerian Economy to take advantage of the many opportunities that digital technologies provide. It was prepared by the Federal Ministry of Communications and Digital Economy (FMCDE), and it is based on the following FMCDEs 8-pillars for the acceleration of the National Digital Economy for a Digital Nigeria: Developmental Regulation; Digital Literacy & Skills; Solid Infrastructure; Service Infrastructure; Digital Services Development & Promotion; Soft Infrastructure; Digital Society & Emerging Technologies; and Indigenous Content Development & Adoption. Pillar number 7 (Digital Services Development and Promotion) focuses on the development of a vibrant digital ecosystem that supports Innovative Driven Enterprises (IDEs) and Micro Small and Medium Enterprises (MSMEs) in a way that engenders innovation. The main objectives of this pillar, which are listed below, will require intellectual property:

(a) Support for the creation of Innovation Driven Enterprises and digitally enabled MSMEs.

(b) Facilitation of mentorship and funding programs to support innovation driven enterprises and digitally enabled MSMEs.

(c) Enabling innovation driven enterprises and digitally enabled MSMEs to participate in the government procurement process, through the introduction of a bimodal procurement system to accommodate them.

(d) Facilitate the launch of Digital Innovation and Scale-up Centres (DISC), IT and innovation

hubs around the country to target digital innovations and the scale-up of digital startups.

2.3.1.3 The Economic Sustainability Plan 2020

The Plan which was introduced after the completion of the Audit Review in 2020 is aimed at stimulating the economy to recovery from the impact of the COVID-19 pandemic. It is a stop-gap plan introduced pending the formulation of a more robust National Development Plan 2021-2025. Two key aspects of the Plan relevant to the creative industries are: support to Micro, Small and Medium Enterprises which include conditional grants and interest free loans; and implement programs in education for continuous learning.

2.3.1.4 National Development Plan 2021-2025

This is a medium-term blueprint aimed to unlock Nigeria□s potentials in all sectors of the economy for sustainable development designed to be achieved through six broad objectives relevant to the creative industries. These are: economic diversification; investment in infrastructure; security and good governance; educated and healthy population; poverty alleviation; and economic and social development across states.

2.3.1.5 Strategic Plan for the Federal Ministry of Communications, Innovation & Digital Economy 2023 □ 2027

The strategic blueprint of the Federal Ministry of Communications, Innovation & Digital Economy 2023 □ 2027 articulates a vision for Nigeria that builds on the transformative power of digital technology and innovation to diversify and deepen the economy. It is a detailed and progressive framework that encompasses five key pillars: Knowledge, Policy, Infrastructure, Innovation, Entrepreneurship & Capital (IEC) and Trade. The pillars are targeted at accelerating Nigeria's growth as a global technical talent hub, deepening research in key technology areas, and stimulating startup growth. The ministry aims to train 3 million Nigerians in technical talents, achieve 70% digital literacy, and position Nigeria in the top 25 percentile of research globally in six key areas.

Pillar 1 (Knowledge): Knowledge influences how we generate innovations and technologies that drive economic growth, expands the talent pool to drive competitiveness, improve productivity and inform evidence-based policymaking, amongst others. The pillar reflects 3key objectives which together will:

(a) Accelerate the growth of Nigeria as a global technical talent hub and net exporter of talent.

(b) Deepen and accelerate our position in global research in key technology areas.

(c) Raise the complexity and dynamics of our economy by significantly increasing the level of digital literacy across Nigeria.

Pillar 2 (Policy): when properly designed and executed, provides a platform for innovation and entrepreneurship to thrive. Effective policy provides regulatory clarity and necessary incentives for an environment where businesses and innovators are empowered to grow. This pillar focuses on

encouraging investment, research and development and the protection of intellectual property. Most relevant amongst the nine (9) priority policy identified for review and implementation is the Nigeria Startup Act and the National Artificial Intelligence (AI) Strategy.

Pillar 4 (Innovation, Entrepreneurship and Capital): this pillar is the driving force behind the creation of an environment that encourages innovation, supports entrepreneurship and attracts the required capital to deliver on our ambitions. Its primary objective is to stimulate the growth and sustainability of startups, with specific focus on those developing innovative solutions for critical sectors in our economy.

2.3.1.6 Institution IP Policies

Sections 2 and 14 of the Patents and Designs Act, 1970 provide for ownership of inventions and designs by employees and persons who had commissioned the initial works that resulted in Patent and/or Design rights over them. In the same vein, the Patents and Designs Act vests ownership of inventions from tertiary institutions and research institutes in the respective institute and research institutions, provided the inventing activities were done during employment using the available resources and data. However, the individual who carried out or was engaged to carry out the inventing activity is entitled to have his or her name mentioned in the patent or design right application as such and he is also entitled to a fair compensation, in line with approved industry/institutional global standards.

Apart from the provisions of the Patents and Designs Act, some tertiary institutions and research institutions have IP policies that give further guidance about inventions created within those institutions. The Committee of Vice-Chancellors recently adopted a Model IP policy for Nigerian universities. The policies govern ownership and reward for the employee inventors. Ownership of patent rights in inventions derived from research of tertiary institutions and research institutions funded by the private sector depends on agreement between the parties. Similarly, ownership of inventions created in tertiary institutions and research institutions arising from research undertaken in collaboration with foreign research institutions is governed by the contracts between the parties. Where there is no written contract, the governing law under the Patents and Designs Act is that the right belongs to the commissioning organization.

In organizations where there is an IP policy, the benefits sharing formula between the researchers, their department, faculties, and the institutions are spelt out. But in most organizations, this is lacking as they do not have any IP policy. Potential commercialization by partners is not done often but intermittently. Researchers are connected to industry through tertiary institutions exhibitions, fairs, joint industry boards, special tertiary institutions sponsored commercialization fora, advertising through media. Information about IP laws, IP mechanisms, costs etc. is disseminated on academic journals, websites, and the likes. It is not easy to secure assistance/support from the relevant institutions, but the national IP office relates well with tertiary institutions and research institutes.

Nigerian universities today use patents as part of the criterion for promotion, rather than only publication and this was urged on the universities by the National Universities Commission (NUC) and the FMST. This provision can be strengthened by the Model Intellectual Property Policy for

Nigerian Universities. Other institutions can take cues from the universities to domesticate IP Policies in their various institutions.

2.3.2 IP Education and Training

(a) **Teaching of IP in Universities:** Intellectual Property Law is an elective course in the Nigerian University. IP law is also taught at the Nigerian Law School. Several law faculties provide training for up to doctorate level for IP. There is no data available about the number of IP professionals who have been trained internally or abroad. However, there are lot of IP lawyers and practitioners in Nigeria, and the numbers keep increasing. There are some local experts that can draft patent specifications and WIPO continues to conduct training on patent drafting. The WIPO Academy provides yearly scholarships for developing countries to participate in IP related online courses, summers schools and to study Masters in Intellectual Property abroad. A lot of Nigerian Students and mid-level career lawyers have also benefited from this initiative. The first foreign PhD recipient was in the early 1990s but since then, at least 10 PhDs recipients have been produced by Nigerian universities whilst over 20 have been produced abroad. However, aside from law, IP education hardly features in the curricula or content of other disciplines.

(b) **Training on Industrial Property:** The Trade Marks, Patents and Designs Registry, Ministry of Industry, Trade and Investment, NOTAP, the Nigerian Institute of Advanced Legal Studies (NIALS), IP Groups such as the Nigeria Bar Association Section on Business Law (NBA-SBL), Intellectual Properties Lawyers Association of Nigeria (IPLAN), ACC, the National Agricultural Seeds Council and institutions within the Private Sector have been providing some training on IP. The Trade Marks, Patents & Designs Registry offer training programs with the support of WIPO, Japan Patent Office, USPTO, WTO, EPO, CIPO, SIPO, NIPO, ARIPO. The USPTO through the US Embassy in Nigeria do offer periodic training to Judges. In addition, through the auspices of Technology Innovation Support Centre (TISC), which is a WIPO initiative, the Patents and Designs Registry offers training on the use of patent databases, patent drafting, and other IP related services on demand to those who use the registration system. It also sets up TISC Centres and PATLIB in Universities. PATLIB is an initiative of the European Patent (EPO) which essentially is meant to provide access to patents information to the innovation eco-system. The essence of the TISC and PATLIB is to provide a platform for researchers within the eco inventing system to search prior art and be well informed of other existing inventions/related art before committing to research and development. Institutions who have signed up to host the TISC Centre and PATLIB will benefit from other related IP services offered by these platforms. The national IP offices conduct IP training programs from time to time to stakeholders and students, although there is no certification. The Registry also encourages universities and research institutions to set up IP Commercialization Centres or TTOs within their institutions. It also encourages them to host the TISC and PATLIB within these centres as it could leverage on the vast resources and information available on these platforms to sensitize their eco inventing system and this makes the institutions easily visible for other collaborative activities from the IP Offices, Local and International Stakeholders.

(c) Although, there is no certification of continuous education mandatory for professional development, the NBA-SBL is collaborating with NIALS and Queen Mary University towards creating a diploma awarding Continuing Education Programme (CEP) platform for each of the various specialized practice areas within the section. IP is one of the established committees within the NBA-SBL

(d) **Training for the Creative Industry:** Nigeria is among the few countries in Africa that offers training specifically for the creative industries, courtesy of the Nigerian Copyright Academy and tertiary institutions As envisioned in the FMACCE 8 Point Plan and Broad Sector Strategy, the use of already-existing cultural and creative institutions, such as the Nigerian Film Institute and the National Institute of Cultural Orientation, to carry out research, plan, and oversee education and training for the culture and creative sectors should present an opportunity to implement copyright and creative industries programs for the benefit of the industry participants. The Patents and Designs Registry frequently hosts workshops and seminars on industrial design registrations for the fashion sector and creative community.

2.3.3 IP Awareness

Although the level of IP awareness differs from sector to sector, (e.g., universities, business, research institutions, government departments, local government), it is nonetheless low across all sectors. No country-wide IP awareness evaluation exercise has been undertaken and there is no collective strategy in place for enhancing IP awareness in Nigeria. However, the citizens have a sense of fairness, such that they will condemn IP theft when a creative/inventive person loses his or her investment to a third party who reaps where he did not sow. Some Nigerians see the high cost of books, software and Medicine as a perceived disadvantage of IP. The possible growth of Nigeria□s creative industries is a perceivedadvantage of IP.

The IP awareness among stakeholders in Nigeria is very low and it is a key factor in the obvious gulf that exists between the IP offices and the owners of rights. Without synergy between the two parties, effective enforcement will always be challenging as right owners either neglect to register their IPRs until it is lost or neglect to enforce their IPRs against an infringer until it becomes too late. It is recommended that the Copyright, Trade Marks, Patents and Designs Offices need to embark on a robust IP awareness campaign. Outreach programmes to researchers, academics, politicians, chambers of commerce etc. and even the right holders need to be organized to tackle poor IP awareness in the country. Efforts in this respect could be geared towards developing and implementing target-oriented IP popularization programs, organizing or taking part in programmes such as exhibitions in cooperation with institutions such as chambers of commerce to show the benefits of the IP system. Also, assistance could be given to research and academic institutions in developing IP policies and establishment of IP management Units. Journalist also could be encouraged through sensitization training on IP and the use of mass media for IP awareness. It is recommended that creating awareness should be done with a clear understanding and direction of the national policy thrust. In this regard the main IP Offices: Nigerian Copyright Commission, Trade Marks Registry, Patents and Designs Registry and NOTAP should be fully engaged and involved.

2.3.4 Use of IP Information for Research and Development

The Patent Registry oversees registration and grant of Patent Rights to inventors. It has a comprehensive database available both on the Patent Register and at the Compactus for storing of historic files. The Act provides that these data and the Patent Register shall be made available to the public. However, it has been observed that universities and research institutions rarely request for accessibility to this information for use in their research and development of new inventions and prototypes. Universities and research institutions hardly use technology and patent information systems for research and development. There is no database of the research and development being conducted by universities and research institutes, nor is there any database of the results of their respective findings. In the same vein, businesses and SMEs hardly use technology and patent information systems for innovation and the acquisition of technology. This could be due to lack of awareness on the usefulness of patent information.

2.4 Capacity and Institutional Support Framework for Technology Transfer and Commercialization of IP rights

2.4.1 Valuation of IP assets

The International Valuation Standards(IVS) domesticated in Nigeria since 2019 defines Valuation as □the actorprocess of determining an opinion or conclusion of the value of an asset on a stated basis of value at a specified date in compliance with IVS□IVS 210 is dedicated to the valuation of intangible assets, which include IP. Also, the International Accounting Standards (IAS) 38 outlines the accounting requirements for tangible assets which include IP.

However, there is not much capacity in Nigeria for assessing the valuation of IP assets. There are few experts on IP valuation, but they are not well known to those having need for their services. Public companies must be encouraged to assess IP assets when preparing financial statements. The audit and accounting guidelines for companies seek to promote IP valuation as part of the audit process but this is hardly ever conducted. Industries do not carry out regular valuations of their IP assets. IP assets were sometimes considered in the privatization of publicly owned companies. IP valuation is an area of IP that requires a large dose of expertise; accordingly, it was recommended that this should be incorporated into the curriculum of tertiary institutions. The training modules should be in line with accepted International Valuation Standards. Depending on their field of study, it might be an elective for some students and a major for others. Since intellectual property value promotes operational sustainability and accurate asset disclosure, organizations should be made aware of the importance of valuation.

2.4.2 Technology Transfer Offices (TTOs)

There has been an increase in the number of universities that have TTOs since the Patents and Designs Registry and NOTAP embarked on conducting capacity building programs on the need to and how to run TTOs. In some universities, it is headed by a Deputy Director whilst some universities TTO are headed by different rank of staff in universities. Most TTOs do not have a full career structure, and many are understaffed. Some TTOs operate under the Vice Chancellor's office whilst others operate under the Planning, Technology Transfer and Information Management Department and are supervised by the Deputy Vice-Chancellor. In many universities, a committee

on commercialization of research products makes recommendations to the university on options to be taken on specific innovations and patents. The universities reach out to identify interested partners. The Model IP policy for Nigerian Universities sets good standards for universities to adopt. However, there is no record that Nigeria has conducted a technology needs assessment.

Very few TTOs have dedicated systems for database search and patent specification drafting. WIPO, in collaboration with the Patents and Designs Registry and NOTAP, has organized workshops on patent drafting, which was attended by some of, but not all, the Heads of the TTOs. Online training on patent drafting is also available under the WIPO Academy online DL courses to further build capacity on patent drafting. The TISC and PATLIB projects have also been introduced to ensure all the TTOs have adequate training on patent database searches and related IP areas.

2.4.3 National Office of Technology Acquisition and Promotion (NOTAP)

The Commercialization of IP remains the duty of the Inventors and IP holders. However, NOTAP serves as a National Commercialization Agency. It is an autonomous government agency primarily empowered to evaluate and register technology transfer agreements; commercialize research and development; promote innovations and assist in the registration of patents amongst other responsibilities. NOTAP monitors the licensing of IPRs from foreign entities to Nigerian entities and promotes the development and transfer of local technology. However, these licenses must be registered with the Patents Registry, to enable effective documentation and upgrade of the information on the Patent Database. NOTAP does not manage patent information as it does not have a patent database to manage. The Patent database is managed by the patent registry and has been in existence since the inception of the Patent Registry in year 1930. This means the Patent Registry stores information on patent filed as far back as 1930, prior to the establishment of NOTAP in 1995.

NOTAP was established under the Act[20]. The principal officers are the Director General and the Directors heading the nine (9) Departments: Consultancy Services; Corporate Planning; Finance and Accounts; Human Resource Management; Information Communication Technology; Procurement; Technology Acquisition and Research Coordination; Technology Innovation and Commercialization; and Technology Transfer Registration. The Director-General reports to the Minister of Innovation, Science and Technology through the Governing Council that is headed by the Permanent Secretary in that ministry. Being autonomous, this agency can recruit staff directly.

NOTAP is equipped to advise and assist in negotiating the facilitation of technology licensing between different stakeholders. NOTAP does that as part of its mandate. Some institutes have several Memoranda of Understanding with various other institutions. NOTAP and the Federal Ministry of Industry, Trade and Investment have been helpful in assisting universities to draft and file patents free of charge. Nigeria has professional service providers with licensing-related expertise.

2.4.4 Hubs and Incubation Centres and Industrial Parks

Nigeria has a number of innovation hubs and incubation centres in each geopolitical zone.[21] Some

[20]National Office of Technology Acquisition and Promotion Act. Cap. N62 Laws of the Federation of Nigeria 2004
[21]https://www.vanguardngr.com/2020/02/breaking-buhari-commissions-industrial-hub-in-ondo-eulogises-akeredolu/;

universities and institutes have science and technology parks that are already functional yet to be implemented. When presented to incubation centres, they assist the individual or firm to facilitate financial and sometimes facilities (equipment) support. The Raw Materials Research Development Council (RMRDC) has extensive research findings on many local raw materials to meet industrial needs.[22] Consequently, RMRDC draws up policy guidelines and action programs on raw materials development in Nigeria. In the implementation of her mandate, RMRDC generates intellectual property. RMRDC has developed and patented process technologies and products which are at various stages of commercialization. They conduct regular exhibitions, symposia and seminars which serve to enlighten people on new developments and solutions discovered by her. There is some government funding through the Tertiary Education Trust Fund (TETFUND) and Bank of Industry (BoI). Several incubation centres encourage records, research and use of traditional knowledge and medicine. However, the following challenges were observed:

(a) The infrastructure or facilities to support researchers and inventors with product or prototype development is very weak and expensive. Many must produce their prototypes abroad.

(b) Most universities do not have technology parks. No record is available of the success of any institute□s technologypark.

(c) Whereas there are few success stories of licensing agreements between universities and local industries, it is not certain how many IP commercialization professionals are currently practicing in Nigeria. Furthermore, commercialization professionals are mostly restricted to people with training in law and the legal profession. Capacity is being built for persons with scientific backgrounds who can draft patents. There is no special requirement for patent agents nor is there any registry of such professionals. The profession is mainly regulated by the Nigeria Bar Association and the Council of Legal Education.

2.4.5 Financing the Commercialization of IP assets

The main support for funding the results of research and development for universities and institutes is the TETFUND. This Fund can be accessed with a well written proposal. The BoI is specially instituted to support such ventures. Other industries are also encouraged to participate. The business plan of the products is considered in making decisions. It is doubtful that IP plays a part in the decision-making process. There appears to be an attempt by the Central Bank of Nigeria through its current intervention funds, but these are still early days hence its success cannot be assessed. IP as collateral is in its infancy in Nigeria. IP assets are hardly recognized by financial institutions in Nigeria in assessing business plans, but TETFUND and the BoI are

https://guardian.ng/business-services/nigeria-signs-2billion-industrial-parks-agreement/;https://www.premiumtimesng.com/news/headlines/224772-osinbajo-unveils-nigerias-20-billion-gas industrial-park.html;

[22]RMRDC has promoted and supported the following clusters in different locations in the country: Leather cluster, Kano; Cassava Processing, Umuahia; Spices Cluster, Federal University of Technology, Owerri Talc Processing cluster, Kagara; Mushroom Cluster Kaolin Processing Cluster; Milk Collection Centre Yola; Sericulture Cluster, Ado Ekiti; Cashew processing Cluster, Kogi, Federal University of Agriculture, Abeokuta, Ikakumo Ondo State; Fruit juice project, Kaduna; Phosphate processing Cluster, Sokoto; Moringa processing, Clusters; Melon Shelling Cluster, Lafiya, Nasarawa State. See https://rmrdc.gov.ng/raw-material-SME-development.php;https://rmrdc.gov.ng/research-reports.php.; https://rmrdc.gov.ng/local-rm-content-development.php;

increasingly becoming aware of IP assets whilst a couple of banks are beginning to consider this. Financing institutions and venture capitalists rarely promote monetization or securitization of IP. Some are concerned about possible enforcement and piracy. There are divergent views on whether joint venture or venture capital is preferred based on shared risk. Some suggest that it depends on the valuation of the IP.

2.4.6 Support Structure for Commercialization in the Creative Industry in Nigeria

The creative industry (at times refers to as the Copyright Based industry) in Nigeria is multi-sectoral and includes the following: the Film Industry, the Music Industry, the Software Industry, the Visual Arts, the Arts and Craft Industry, the Fashion Industry, the Book Publishing Industry, Gaming and Animation, the Functional Creations Industry, Interior Products and Designs and the Broadcasting Industry. The growth trajectory of these sectors is diverse as some sectors are more impactful than the others in consideration of their contribution to the growth and development of the Nigerian economy. The movie and music sector are more prominent than others.

Whereas the creative industry has huge potential to contribute to national economic growth and development particularly in economic diversification, employment, income generation etc., but the economic impact of this industry has not really been studied. A study of the economic contribution of the copyright-based industries to national economic growth & development needs to be undertaken in order to appreciate the huge potential of this sector, and the vital role it could play in facilitating the realization of government policy goals. Lack of statistical evidence to show the contribution of the creative industry to the economy was identified as a key reason for the inability of the government and stakeholders in this sector such as NEPC, NITDA and NBC to effectively engage in the promotion and growth of the creative industry relevant to their statutory mandate as even statistical and empirical data for mapping appropriate initiatives is very rare to come by. This challenge is exacerbated by the fact that there is still inadequate policy framework to support creativity and innovation for the creative industry.

Efforts towards making the creative industry more relevant to national development agenda, have mainly been from the Federal Government, through the Federal Ministry of Industry, Trade and Investment, Federal Ministry of Art, Culture, Tourism and Creative Economy, Federal Ministry of Justice and other relevant MDAs. Although there are appreciable efforts at sub national level in form of initiatives from some of the State governments, much still needs to be done by the states and local governments in promoting the creative industry, since they are closer to the key players in the industry and strategically positioned to identify and reach out to them. A means of doing this is to give them robust recognition by identifying the vital role they can play and the benefits they stand to gain through promoting and supporting the creative industry in their domain in any national policy aimed at addressing the issue. There is also the need to support guilds, associations and institutes that act as custodians and preserve& monitor the growth of the industry. However, stakeholders in the film sector expressed their desire to have the Nigerian Film Corporation establish a Commission for regulating the film industry.

2.4.7 Collective Management Organizations (CMOs):

There are three CMOs currently operating in the country by the Copyright Commission. They are the Music Copyright Society of Nigeria (MCSN) for the music industry, the Audio-Visual Rights Society (AVRS) for the film industry and the Reproduction Rights Society of Nigeria (REPRONIG) for the book industry. Their establishment has strengthened the value chain of each sector of their operations. The regulatory framework and oversight by the Nigerian Copyright Commission minimizes the abuse of the operation of the CMOs. Some of the CMOs, particularly the MCSN, have been paying royalties to its members. However, there are challenges that need to be addressed. These include: reluctance of users of works to pay for use of works; the CMOs lack the necessary human capacity and infrastructure for effective and efficient operation; constant bickering and fighting among the rights owners in the music industry is a big challenge for effective operation of the CMO in the music industry; lack of proper initiative to proactively reach out to the users and making them to pay for the use of works and inadequate monitoring mechanisms on the detection/monitoring of collection and payment of royalties in line with global best practices which encourages plough backs. Concerns have also been raised in some quarters over issues of transparency, accountability and good governance. To address these challenges, the following recommendations have been made by stakeholders:

(a) Public enlightenment to sensitize users of works to their obligation to pay for use.

(b) The Copyright Commission through the Nigerian Copyright Academy should develop training programs for staff of CMOs for human capacity development by way of courses, seminars and workshops. Assistance could also be obtained in this respect from WIPO Academy and collaborations with local and international development partner organizations.

(c) CMOs need to proactively initiate effective strategies that will facilitate enforcement of their rights and payment by users of their works.

(d) The Copyright Commission needs to effectively monitor the operation of the CMOs ensuring strict adherence to proper corporate governance practices.

(e) The CMO□s needs to use adequate and appropriate technology for operation to enhance operational efficiency and effectiveness.

2.4.8 Government Support Agencies for the Creative Industry

There are several agencies of Government that provide business support to enterprises including the creative industry. These include the Nigerian Film Corporation (NFC) for the film industry, National Council for Arts and Culture (NCAC), the Nigerian Export Promotion Council (NEPC), and the Small and Medium Enterprises Development Agency of Nigeria (SMEDAN). While striving to make significant contributions to the creative industry, these organizations face the following challenges: financial constraints; lack of attention for the creative industry by NEPC; lack of awareness on the huge economic growth and development potentials of the creative industry even by government agencies; there is a perception of the creative industry that NCAC is more inclined to promoting culture than their national economic growth and development potentials. Furthermore, the law establishing the National Film Corporation (NFC) was enacted in 1979 and

some of its provisions are no longer in tune with present day realities of the movie industry particularly in Nigeria. Finally, government efforts and intervention seem to be from the Federal Government alone. The states and local governments are also involved in the issue of business support of the creative industry since they are closer to the grassroots and better positioned to identify, nurture, and develop their local creative industry for wealth creation and employment generation. Some of the initiatives are highlighted below:

(a) The Cross River State government's Tinapa Film Studio Infrastructure and Annual Calabar Carnival.

(b) The Delta State Government Asaba Film Village and Leisure Park Project to support the film industry.

(c) The Adire Ogun Initiative of the Ogun State Government to promote the indigenous tie and dye (Adire) fabric at the Cultural Centre Abeokuta through the launching of the digital marketing platform to promote it to a global platform, and the newly introduced State Policy of making it the uniform for all public schools to promote its patronage.

(d) The collaboration of the Osun State Government with Abeni Visual and Performing Art Institute to train youths across the State in various courses in Visual and Performing Arts.

(e) The Lagos State Government Policy of providing interest-free loans to filmmakers. The implementation of this Policy was the N200 million special interest-free loan to 37 filmmakers.

Nonetheless, there have been efforts to provide financial support for the development of the creative industry in Nigeria from the private sector. One of such facilities is the Creative Industry Financing Initiative (CIFI) which is a long term and low interest financing loan scheme developed by the Central Bank of Nigeria (CBN) in collaboration with the Bankers Committee for entrepreneurs and investors. The funding targets creators in the fields of Fashion, Information Technology, Movie Production and Distribution, Music and Software Engineering announced in 2019. Actual implementation started with the release of the implementation modalities by the CBN in July 2020. However, there was a consensus on the lack of awareness of the newly introduced CIFI, and that business support for creative industry in form of funding is still a huge challenge. Even when available it is very difficult to access.

One important issue which came out clearly in consultations with the publishing sector is the impact of government fiscal policies particularly, high import duties on the materials they use in their industry including paper and ink which are mainly imported. This makes the industry less competitive compared with their counterparts in some other countries.

2.4.9 Commercialization of Traditional Knowledge and Traditional Medicine

There are some commercialization activities on TK/TM at the National Natural Medicine Development Agency and NIPRD, which are already producing and selling some herbal products. NIPRD partners with the Nigerian private sector to produce standard herbal supplement from plant extracts for the treatment of diseases. These projects meet with the international standards in

production and research of herbal medicine.[23]NAPRD is engaged in the production of Domestic Production of RUTF for the Treatment of Severe Acute Malnutrition in Nigeria.[24]NNMDA is working with traditional medicine practitioners and herb sellers to document Nigeria's indigenous medicine arts and techniques, conduct training, conduct ethno surveys, and pilot herbal medicine solutions. The agency has also facilitated the development of a draft National Policy and Legal framework for protecting traditional knowledge in Nigeria. NAFDAC has issued sale approval for the commercialization of some medical products predicated on TK/TM. There is the success story of NIPRISAN, a TK derived medicine to treat sickle cell. NIPRISAN is the extract of four kinds of plants in Nigeria[25] was developed by NIPRD for the prophylactic management of patients with sickle cell disease.[26] There have been issues with the agreements with Xechem, a US pharmaceutical company licensed to produce it but NIPRID is producing it at a fraction of the amount the private company is producing it.[27] It is also one of the first herbal medicinal products in Nigeria to have been successfully developed, patented (a US patent was approved in September 1998), and passed through clinical studies.[28] Nigeria has some associations of TM practitioners e.g. National Association of Traditional Medicine Practitioners. The main barriers to the development of TK/TM include lack of awareness, biases, skills shortages, lack of access to finance, bureaucratic business regulations and no enforcement. Others are, improper documentation of Nigeria's TK/TM coupled with a lack of recognition/respect to those in the sector, and absence of policy to drive legislation, training and practices that articulate the importance of TK and Traditional Medicine Practice.

2.4.10 Commercialization of New Plant Varieties/Animal Breeders Rights

Nigeria has 18 research Institutes for crops out of which only one is for Cereals and One for Stored Products, one for Products Processing and three for Livestock made up of only NAPRI for all Livestock breeds, one for Trypanosomiasis research and One for Veterinary Research. In the past, the release of varieties has been coordinated by the National Varieties Release Committee (NVRC) that successfully releases varieties[29]. There are a couple of success stories relating to the licensing and commercialization of new plant/animal varieties. For animals, there are two varieties of chicken, NOILER, that has been fully commercialized by the developer, but this variety has not been registered whilst on the other hand, the FUNAAB ALPHA variety of chicken has been registered but has not been commercialized. There is also a success story of a cattle breed in Kano State. The following challenges have been reported regarding commercialization of new plant/animal varieties:

(a) Nigeria encourages importation from International Breeders rather than encourage Breeders within the country.

(b) lack of awareness of possible IP rights is a major factor affecting growth.

[23]http://www.niprd.gov.ng/fg-pledges-to-promote-herbal-medicine/, accessed June 5, 2020.
[24]http://www.niprd.gov.ng/private-sector-engagement-on-rutfs/ accessed June 5, 2020.
[25]https://www.sbir.gov/sbirsearch/detail/352226
[26]https://www.sciencedirect.com/science/article/pii/S0011393X01800394
[27]https://www.vanguardngr.com/2015/12/fg-stops-commercial-sale-of-sickle-cell-drug-niprisan/
[28]https://qz.com/africa/1547079/nigerian-scientists-patented-a-sickle-cell-drug-using-a traditional-herbal-remedy-then-it-all-fell-apart/.
[29]https://businessday.ng/agriculture/article/nvrc-releases-improved-wheat-variety/.

(c) Inadequate support and encouragement for local researchers in the Universities and Research Institutes especially for animal breeds that is more capital intensive and generational than crops. Short time international support (2 to 5 years) for animal breeds that will take 8 to 15 years of selection.

(d) The costs of registering, enforcement and maintenance fees is a disincentive. Added to this is the length of time it takes to register the breed, or the company coupled with government regulations is a major problem. An animal to be registered must have passed through 6 to 9 generations of selection like in my Chicken and Pig breeds. Cost of testing across the country, monitoring and registration did not allow my Improved Indigenous Pigs to be registered.

Respondents suggested that breeders must be accorded a registration right with exclusivity for ten years. Research Institutes must be established, and adequate funding and staffing must be a priority. Agriculture related Industries for products processing and packaging in addition to a Centralized Semen Processing for all categories of Livestock must be established. The government must discourage the importation of breeds. There must be a serious effort to improve the staffing and funding of NACGRAB and NIAS.

2.5 Enforcement of IP Rights

2.5.1 Legislative Framework for the Enforcement of Intellectual Property Rights

2.5.1.1 Enforcement of Industrial Property

IP enforcement regulations are not consolidated into one statute in Nigeria. Rather, IP enforcements regulations are embedded in several statutes that aid the enforcement of IP rights in Nigeria. They include Patents and Designs Act[30], Trade Marks Act[31], Copyright Act[32], Drugs & Related Products (Registration etc.) Act[33], Food & Drugs Act[33], Counterfeit & Fake Drugs & Unwholesome Processed Foods (Miscellaneous Provisions) Act[34], National Agency of Food Drug Administration and Control Act[35]and relevant regulations relating to NAFDAC, FCCPA[36], Merchandise Marks Act, Standards Organizations of Nigeria Act, Nigeria Startup Act, 2022[37],and the Customs Act. The Administration of Criminal Justice Act applies to all criminal prosecutions. There are some non-IP specific laws that are relevant for the enforcement of IP rights such as Miscellaneous Offences Act, Money Laundering Act, Economic and Financial Commissions Act. The Federal Competition and Consumer Protection Act[44] (FCCPA) 2019 also contains explicit provisions which empower the regulatory commission that operates the Act, the Federal Competition and Consumer Protection Commission (FCCPC) to take a variety of actions which could aid protection against counterfeiting, substandard and inimical goods. There is need to consolidate all these laws into a standalone enforcement act. The penalties in the Merchandise

[30] Patents and Designs Act No. 70 of 1970 recodified as Patents and Designs Act, Cap. P2. Law of the Federation of Nigeria 2004
[31] Supra
[32]Copyright Act, 2022 [33]Cap. F33 Laws of the Federation of Nigeria 2004
[33]Cap F32 Laws of the Federation of Nigeria 2004
[34]Cap C34 Laws of the Federation of Nigeria 2004
[35]Cap N1 LFN 2004
[36]Federal Competition and Consumer Protection Act 2018
[37]Nigeria Startup Act, 2022 Act No. 32

Marks Act should be reviewed to constitute appropriate deterrent.

2.5.1.2 Enforcement of Copyright and Related Rights

The Copyright Act, 2022, which provides the legal framework for copyright administration and enforcement in Nigeria, has provisions that are substantially in compliance with Nigeria□s treaty obligations. Some of the key provisions to enhance the protection, administration, regulation and enforcement of rights, are:

(a) Clearer definition of terms and enlargement of the scope of rights to accommodate the peculiarities of the digital environment.

(b) Increase in the penalties for criminal copyright infringement with minimum fines and terms of imprisonment prescribed as deterrent measures. To help fast-track the criminal process, the Commission has powers under section 44(9) to compound any offence by accepting sums of money not exceeding double of the minimum fine to which the offender would have been liable if he had been convicted of the offence.

(c) Special provisions for online infringement and obligations of Internet Service Providers (ISPs) to promptly act and expeditiously take down or disable access to infringing contents or links.

(d) Safeguarding of Technological Protection Measures (TPMs) and Rights Management Information (RMIs) by creating offences to in relation to illicit dealings.

(e) Stricter provisions to regulate and supervise Collective Management Organisations (CMOs).

(f) More general powers to regulate businesses pertaining to copyright works.

By virtue of section 78(3) of the Copyright Act, the Commission, in exercising its powers of enforcement and compliance, may□

(a) demand for evidence of compliance from persons, public or private institutions and organisations;

(b) caution a non-compliant person or entity in writing;

(c) sanction a non-compliant person or entity by the imposition of administrative fines;

(d) institute criminal-proceedings against a non-compliant person or entity;

(e) institute civil actions against the defaulting person or entity; and

(f) obtain a court warrant or order to seize or detain any book, record, document or other information storage system or database which use does not conform with the provisions of the Act or relevant regulations made under the Act.

2.5.2 Institutional Framework for Enforcement of Intellectual Property Rights

2.5.2.1 Patents and Designs Registry and the Trade Marks Registry

The Patents and Designs Registry and the Trade Marks Registry do not have enforcement capabilities. While some internal office actions can be reviewed by the Registrars, they become *functus officio* once a decision is made. The Registrars decisions when sitting in a quasjudicial capacity are equated with those of an inferior court of records, they are appealable to the Federal High Court. The Registrars can neither undertake actions to bar infringement nor conduct investigation into any breach. They cannot compel an applicant or a proprietor to desist from taking any action on any matter on which the office has authority except through court action. They also lack authority to undertake prosecution, investigation and enforcement in both civil and criminal breaches despite the provisions of section 61 of the Act[38].

This lack of prosecutory or enforcement powers by the Registries is underscored by the feeling in some quarters that most aspects of infringement matters are within the realm of private commercial rights. This school of thought posit that in a polity where there are inadequate funds for major necessities, it will be irresponsible to call upon the government to commit scarce resources to issues that the private sector can adequately handle. There is a further argument that in so far as most IP matters are concerned either in the form of infringement or otherwise that are devoid of public harm, it the Registry should have a limited government participation.

However, there is need to enhance the determination of issues dealing specifically with failure to comply with the directives of the Registrar, e.g. failure to return and the continuous use of a certificate of registration that has been declared invalid by the Registrar, falsely claiming that a mark has been registered where such does not exist on the register, and presentation of fake documents purportedly issued by the Registry, and more importantly, on the extant provisions of the Act. Undoubtedly, actions such as infringement relate to matters arising from the actions and decisions of the Registrar. That being the case, there is need to ensure that the Registrar is not afforded an opportunity to sit in adjudication over a matter he has rightly or wrongly taken actions and decisions on.

In light of the foregoing, there is a compelling case for vesting the Registrars of Trade Marks and Patents and Designs with clearly defined alternative dispute resolution (ADR) powers and functions. While care must be taken to preserve the impartiality of the Registrars in matters where they have previously taken administrative actions, ADR powers, such as mediation or administrative settlement facilitation, could be deployed in disputes arising from non-compliance with Registrar directives, misuse of Registry-issued instruments, or procedural irregularities. Granting such powers would not only ease the burden on the courts but also enhance the efficiency, responsiveness, and relevance of the Registries in the evolving intellectual property landscape. A well-calibrated ADR mandate, supported by enabling legislation and procedural safeguards, would empower the Registries to play a more active role in ensuring compliance, resolving disputes, and upholding the integrity of the IP system, without overstepping into judicial

[38]The Trade Marks Act Cap. T13 Law of the Federation of Nigeria 2004

or prosecutorial functions.

2.5.2.2 Nigerian Copyright Commission

The enforcement mandate of the NCC was enlarged in 1992 with the promulgation of the Copyright (Amendment) Decree of that year. The functions and powers of the Commission to enforce the provisions of the Act and prosecute offenders have been retained under the Copyright Act, 2022. A Copyright Officer, under section 86(4) has the powers, rights and privileges of a Police Officer as defined under the Police Act or any other relevant enactment relating to investigation and prosecution of a criminal matter. More specifically, the Commission in section 78(2) has the powers to *investigate and redress cases of infringement* of copyright. A Copyright Officer is also conferred with powers to:

(a) enter, inspect and examine at any reasonable time any building or premises which he reasonably suspects is being used for any activity which is an infringement of copyright under this Act;

(b) arrest any person who he reasonably believes to have committed an offence under this Act;

(c) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with;

(d) demand the production of any record required to be kept under the Act and to inspect, examine or copy such record;

(e) seal up premises and carry out any examination, test or analysis within or outside the premises as may be required to give effect to any of the provisions of the Act and may capture any image where such examination, text or analysis is within the premises; and

(f) exercise such other powers as are necessary for the effective discharge of his duties or as the Commission may delegate.

The enforcement of copyright by the NCC requires inter-agency assistance and support from other regulatory, enforcement and security agencies. Despite its wide powers, the NCC as an enforcement agency, still has many challenges.

The enforcement capacity of the NCC should be enhanced through multi-sectoral initiatives including massive public enlightenment, inter-agency cooperation and cross border collaboration with neighbouring countries within the Economic Countries of West African States (ECOWAS) region. This will lead to stronger regional cooperation and harmonization of IP enforcement strategies against cross-border piracy

The NCC□scapacity for enforcement is impaired by inadequate staffing to police the length and breadth of Nigeria. There is therefore need for mass recruitment to enhance its enforcement capacity.

2.5.2.3 Courts

The following courts have jurisdiction to handle infringement of all intellectual property rights: the

Federal High Court, Court of Appeal and the Supreme Court. State High Courts have limited jurisdiction for breaches of IP related rights such as privacy. Neither the Registrars nor indeed the Registries have any part to play in an infringement action and rightly so. The Registrar has been called up to give expert opinion in some cases and has also been joined as co-defendants. Enforcement of any right derived from the Registries, especially infringement is domiciled in the Federal High Court as the court of first instance, albeit criminal matters pertaining to trade marks counterfeiting and the likes can be commenced at the Magistrate Court.

Court decisions on the merits of a case are in writing and reasoned, and court decisions on the merits of each case are based only on evidence in respect of which parties were offered the opportunity to be heard.[39]Parties and the public can apply for certified copies of court decisions. These decisions are made available to applicants from between one day to several weeks, depending on administrative hitches.[40] The average period that elapses between the commencement of civil proceedings (other than proceedings in respect of provisional measures) and the delivery of the judgment or decision of the court is between two years and five[41]years.[42]Proceedings can be expedited for provisional measures and where urgency is established. Criminal proceedings take an average of two to four years, depending on availability of witnesses, the cooperation of defence counsel and the trial judge. The state acts as the prosecutor in criminal proceedings, except where a fiat has been obtained by a private attorney.

Appeals can be lodged against a court decision on the merits.[43] The appeal must be based on the law and what transpired in court. Appeals lie from the High Court to the Court of Appeal and then to the Supreme Court and this can take from between two years to six years between the courts.[44]Criminal appeals can be expedited but civil appeals are hardy expedited except there is a serious issue of law.[45]

2.5.2.4 Border Measures

Apart from the courts, the Nigeria Customs Service has administrative powers and procedures that can enable a right holder, who has valid grounds for suspecting that the importation of counterfeit trade mark goods or pirated copyright goods may take place, to secure the suspension by customs authorities, of the release of such goods into free circulation.[46] The Copyright Act, 2022 contains elaborate provisions in section 53 on border measures.

In limited circumstances (for example for perishable goods), the goods in respect of which suspension has been ordered may be released upon request of the owner, importer or consignee of the goods and subject to his posting of a security in an amount sufficient to protect the right holders for any infringement. Where the alleged right holder fails to pursue a court or other

[39]Art.41(3) TRIPS

[40]Art.41(3) TRIPS

[41] Art.41(2) TRIPS.

[42] Art.41(2) TRIPS.

[43] Art.41(4) TRIPS.

[44]Art. 41(2) TRIPS.

[45] Art.41(2) TRIPS.

[46]Art.51TRIPS

administrative action, the detained goods may be release upon such request being ordered.

For suspended goods, in proceedings leading to a decision on the merits of the case, the defendant can request to view and be heard when urging that a decision be modified, revoked or confirmed.[46]

They have the authority to give the applicant and the importer a right of inspection of the goods whose release has been suspended.[47] The customs do not have the statutory power but they exercise it nonetheless to: order applicant who requested suspension of the goods to pay the importer, the consignee and the owner of the goods, appropriate compensation for any injury caused to them (i) through the wrongful suspension of the release of goods, or (ii)following the failure of the applicant to initiate proceedings leading to a decision on the merits of the case, or(iii) where the suspension has been revoked at the request of the affected party.[48]The injured importer can also sue the person who requested that his goods be seized.

The customs have the power to order, without compensation of any sort, the destruction or any other disposal outside the channels of commerce of the infringing goods whose release was suspended, when the offending mark is obliterated from the goods.[49] There is no provision permitting the re-exportation of counterfeit trade mark goods in an unaltered state or subjecting such goods to a different customs procedure. The customs are allowed to act upon their own initiative (ex officio) to suspend the release of the goods in respect of which they have acquired prima facie evidence that an IP right is being infringed, but this is not mandatory. In doing this, the customs can seek information that may assist them from the right holders. The importer has a right of appeal to the custom authorities and to the courts. Unless the action is not taken bona fide and it causes damage where the defendant promptly demonstrates the error, it is unlikely that the customs or officers will be liable for wrongful suspension.[50]

In the light of the circumstances under which the Customs has arrogated to itself certain powers to suspend the release of goods to importers without due recourse to the court, it is recommended that the authority of the Customs in that regards as it relates to counterfeited or infringed goods should be exercised within a specified period pending when the complainant can approach the court to obtain a preliminary order, otherwise the customs actions, which are highly susceptible to arbitrary decision can be seen to erodes the powers and authority of the courts.

2.5.3 Criminal Procedures and Penalties

There are criminal procedures and penalties available in cases of wilful trade mark counterfeiting and copyright piracy on a commercial scale.[51] The statutes do not state directly the criminal procedures and penalties available in other cases of infringement of IP rights. The FHC is the court that has jurisdiction over criminal acts of infringement of IP rights. The public authorities responsible for initiating criminal proceedings bordering on breaches of IP are NCC, NAFDAC, SON, Customs, FCCPC. Some operate mainly after submission of complaint but in some clear apparent cases, these agencies may make initial arrests of persons or detention of products.

[47] Art. 57 TRIPS.

[48] Art. 56 TRIPS

[49] Art.59 TRIPS.

[50] Art. 58 TRIPS.

[51] Art. 61 TRIPS.

Prosecution often needs the cooperation of, and attendance by affected IPR holders. Private persons may obtain the Attorney General□s fiat to prosecute.

In case of criminal proceedings initiated ex officio by public authorities, right holders and/ or the licensee (exclusive/non-exclusive) cannot join the case and claim for civil damages in the framework of such criminal proceedings. Right holders may institute separate civil actions simultaneously with the criminal prosecution of IPR. The criminal penalties include (i) imprisonment and/or monetary fines having a sufficient deterrent effect; and (ii) seizure, forfeiture and destruction of infringing goods and of any materials and implements, the predominant use of which has been in the commission of the offence. Under the Proceeds of Crime (Management and Recovery) Act, 2022 and other statutes dealing with financial crimes, courts may order the forfeiture of the proceeds of crime.

The penalties embedded in the Merchandise Marks Act for forging a trademark or selling goods to which false trademark or description applies, on conviction before the High Court, is a mere two years or a fine and before the Magistrate Court, an imprisonment for a term of six months or to a fine of one hundred Naira (N100). Both penalties are grossly inadequate and certainly do not serve as a deterrent in any form whatsoever.

2.5.4 IP Enforcement Agency

There is no single agency that enforces IP in Nigeria, rather several agencies deal with the enforcement of IP laws. Agencies responsible for prosecuting IP offenses include NCC, NAFDAC, SON, FCCPC, the Board of Customs and the EFCC. If it is primarily a copyright issue, the NCC, if a food or drug/cosmetics issue, NAFDAC, if it is an imported product, the Board of Customs, if it is an issue of standards, SON. There should be improved coordination, and this can be harnessed if the bodies are mandated to meet regularly. NAFDAC, SON, FCCPC, the Board of Customs and the EFCC handle domestic trade mark counterfeiting whilst the NCC handles copyright piracy. EFCC handles computer and cybercrimes. The level of coordination between agencies dealing with counterfeiting and piracy, and agencies dealing with cybercrime is reasonable.

The Federal and State High Courts adjudicate these offences. FHC judges are the primary judges that deal with IP cases. Knowledge of IP is not necessarily taken into consideration when the judges are appointed. The capacity building programs for lawyers, prosecutors and judges on IP-related matters is not well coordinated, nor is it consistent. A few lawyers and even fewer judges specialize in IP. Time and again, Law enforcement officials (police, customs, inspectors), attends conferences, workshops etc. by INTERPOL, UNODC AND US Department of Justice and local stakeholders.

2.5.5 Educating the Public/Consumers, and Creating Awareness

The private sector and the government agencies collaborate on programmes for educating the public/consumers and creating awareness of the dangers/the impact of counterfeit and pirated goods. The programs sometimes positively affect consumer attitudes, as consumers avoid the products and report suspicious activities. The statutes creating the autonomous government agencies, mandate them to create public and consumer awareness to stimulate improved understanding of the issues and the growth of the relevant sectors. Unfortunately, these

agencies are not sufficiently funded hence, they do not have sufficient impact in the enlightenment drive.

The programs can be more effective if they are run consistently and widely. There have been studies in the copyright sector by the NCC sponsored by the Ford Foundation and by NAFDAC sponsored by the pharmaceutical industries. The studies reveal that enforcement has been hindered by the following: low penalties, poor funding of the enforcement agencies, the slow court system, weak distribution of original products and the fact that the perpetrators of piracy and counterfeiting is largely organized crime. There is a plan by NAFDAC to undertake new study. Hopefully, this study will confirm areas where there have been significant improvements and reveal further gaps to be plugged.

CHAPTER 3



STRATEGIC DIRECTION

3.1 Purpose

The National Intellectual Property Policy and Strategy for Nigeria aims to promote economic development, preserve inventions, and defend creators' and inventors' rights. A comprehensive IP policy will provide a framework for protecting intellectual property rights, encouraging entrepreneurship, and minimizing financial risks.

3.2 Key Benefits of a National IP Policy

(a) **Promotes Innovation and Creativity:** Protecting intellectual property rights incentivizes creators and inventors to develop new ideas, products, and services.

(b) **Encourages Foreign Investment:** A robust IP policy attracts foreign investors, confident that their intellectual property rights will be protected.

(c) **Supports Economic Diversification:** Promoting innovation and entrepreneurship contributes to Nigeria's economic diversification efforts, reducing dependence on oil exports.

(d) **Enhances International Cooperation:** A national IP policy facilitates international cooperation, enabling Nigeria to participate in global trade and innovation networks.

3.3 Alignment with National Development Goals

The policy aligns with Nigeria's development goals, as outlined in the National Development Plan (2021-2025) and the Nigeria Agenda 2050. Specifically, it supports:

(a) **Promoting Economic Growth and Development:** Fostering innovation, entrepreneurship, and foreign investment.

(b) **Reducing Poverty and Unemployment:** Creating jobs and improving living standards.

(c) **Improving Competitiveness:** Promoting innovation, technology transfer, and entrepreneurship.

(d) **Encourage Innovation:** A national IP policy will provide an enabling environment for creators and inventors to develop new ideas and products.

(e) **Develop Creative Industries:** The policy will support the growth of creative industries, such as music, film, and literature, which can contribute significantly to the country's economy.

CHAPTER 4



POLICY OBJECTIVES AND STRATEGIES

4.1 Introduction

This section describes the policy objectives and strategies that have been formulated, to harness the opportunities and achievements within the intellectual property ecosystem in Nigeria while addressing the challenges and gaps identified from the situation analysis.

4.2 Legal Framework for the Protection of Intellectual Property Rights

The existing legal framework for the protection of intellectual property is inadequate, in terms of coverage, completeness, and compliance with international agreements. Specifically:

(a) Nigeria does not have legislation for the administration of trade secrets, databases, integrated circuit, geographical indications, and utility model.

(b) There are no regulations and guidelines to operationalize the recently enacted Plant Variety Protection Act, 2021 (PVP Act), and there is no legislation covering animal breeder□s rights.

(c) Nigeria is party to several international treaties and conventions related to intellectual property. Some of the treaties, except for those in the field of copyright, have not been domesticated.

Policy Objective

To strengthen the legal framework for protection of intellectual property rights in Nigeria

Strategies

To achieve the above-mentioned policy objective, the following strategies will be pursued:

(a) Review and amend existing IP legislation to meet the requirements of international treaties and take advantage of emerging trends and best practices as soon as practicable.

(b) Develop and enact legislation and accompanying regulations to cover existing and emerging IP areas.

(c) Domesticate international treaties and agreements taking into consideration the best interests of Nigeria and the relevant stakeholders.

4.3 Institutional framework for the administration and management of intellectual property rights

The main institutions responsible for administration and management of intellectual property rights are the Patent and Design Registry, the Trade Mark Registry, the Nigerian Copyright Commission,

and Plant Variety Protection Office.

(a) The Patent and Design Registry as well as the Trade Marks Registry, which are responsible for the administration of industrial property rights, mainly patents, industrial design, trademarks, and service marks face several challenges. These include low levels of staffing, automation, funding, and access to databases. Furthermore, the previous plans of consolidation of the two registries into the proposed Nigerian Industrial Property Commission has stalled. There are also concerns amongst stakeholders that currently Nigeria does not conduct substantive examination of patent applications and that there is no independent tribunal to handle disputes on industrial property registrations.

(b) The Nigerian Copyright Commission is an autonomous agency, with its own board, budget, and staffing plans. However, the funding and staffing levels are inadequate to meet the expanding demands on services.

(c) In order to adequately protect emerging creative industry sub-sectors, the Copyright Act, 2022 needs to be reviewed.

(d) The PVP Office, which has been created by the PVP Act 2021, is a semi- autonomous institution. The office is to be funded through the PBR Development Fund, which is provided for under the Act. However, the PVP Office is still in its infant stage and therefore, much still need to be done to enable the office to operate and promote the development of PVP system in Nigeria.

Policy Objective

To strengthen the institutional framework for the administration and management of Intellectual Property in Nigeria.

Strategies

(a) Establish the Nigerian Intellectual Property Commission, in line with the Federal Executive Council Resolution of 26thFebruary, 2024.

(b) Support the creation of zonal IP offices.

(c) Allow for both formal and substantive patent examination.

(d) Automate the systems and procedures for the administration of IP rights.

(e) Support the operationalization of the Plant Variety Protection Office.

(f) Enhance human resource capacities for NIPCOM.

(g) Increase the funding of the IP agency.

(h) Promote inter-agency cooperation and cross-functionality with non-IP institutions that manage IP rights.

(i) Encourage the formulation and periodic review of IP policies as part of institutional and corporate governance strategies.

4.4 Generation and Protection of Intellectual Property Rights

Creativity and innovation are key to driving the development aspiration of Nigeria. These have been recognized in several national policies and plans, including the Science, Technology, and Innovation Policy (STI) 2022, the National Digital Economy Policy and Strategy (2020-2030), the National Information Technology Development Agency (NITDA) Act 2007 Act No. 28, Nigeria Startup Act, 2022, National Artificial Intelligence Strategy 2024 and the National Development Plan (2021-2025). However, the generation and protection of IP rights are faced with the following challenges:

(a) Inadequate funding of research and development in universities and research institutions.

(b) Several universities and research institutions do not have intellectual property policy as well as intellectual property offices.

(c) Inadequate use of IP information including TISC for research and development.

(d) The use of IP applications and grants for the purpose of promotion is not yet widespread.

(e) Inadequate human resource required to support drafting of IP applications.

(f) The linkages and collaboration between universities and industries are not adequate.

(g) Limited awareness of the importance of intellectual property to national economic development.

Policy Objective

To enhance generation and protection of Intellectual Property.

Strategies

(a) Enhance funding for Research and Development as well as protection of innovations.

(b) Promote the use of IP assets as part of promotion criteria in universities and research organizations.

(c) Promote development and revision of IP policies in universities and research institutions.

(d) Promote the use of IP information system for research, development, and innovation.

(e) Develop the required human resources to support the protection and maintenance of IP assets.

(f) Strengthen University-Industry Linkages.

(g) Develop a framework for enhanced assistance to MSMEs for filing of patents.

(h) Develop and implement national research priority areas.

(i) Undertake a comprehensive study on the contribution of intellectual property to economic development.

(j) Support the decentralization of the adjudicative process in the field of intellectual property.

(k) Support the creation of data synergy among relevant regulatory agencies.

(l) Promote Interdisciplinary IP Training by integrating IP education across non-legal disciplines to include STEM (Science, Technology, Engineering, and Mathematics), business administration, economics, and creative arts in line with best global practice. This approach would build a cadre of IP-savvy professionals across various sectors, enhancing Nigeria's IP ecosystem.

(m) Establish mandatory continuous education programs for IP professionals and enforcement officials, such as judges, customs officers, and legal professionals.

4.5 Capacity and Institutional Support Structures for Technology Transfer and Commercialization of IP rights

Today, technology transfer and IP commercialization are considered the most important steps in the IP value chain. It is only through commercialization that the knowledge from the universities, research and technology institutes can be made available for uptake by users in the private sector, government, and development partners. Inadequate commercialization has remained a gap in IP management for Nigerian universities, research and technology institutes, due to the following:

(a) Inadequate trained IP professionals to support technology transfer and commercialization of research outputs and provide professional services in IP valuation, licensing, auditing, etc.

(b) Lack of IP commercialization frameworks to guide universities, research and technology institutes, on technology transfer and commercialization of research outputs.

(c) Low level of staffing and poor resources to enable agencies such as NOTAP in promoting commercialization and technology transfer.

(d) High cost of infrastructure and facilities to support researchers and inventors with product or prototype development is very weak and expensive.

(e) Low level of commercialization of Trade Marks and associated TK, and insufficient promotion of Trade Marks. NNMDA and other relevant agencies need to be supported to carry out their mandates.

(f) Low level of acceptance of IP assets as collateral by financial institutions and investors.

Policy Objective

Strengthen capacity and institutional support structures for technology transfer and

commercialization of IP rights.

Strategies

(a) Build human resource capacity to support technology transfer and commercialization of research outputs.

(b) Develop national IP commercialization frameworks and guidelines.

(c) Strengthen the capacity and funding of NOTAP and other relevant agencies.

(d) Promote commercialization in the creative innovation industries.

(e) Promote and support the growth of start-ups and innovation hubs.

(f) Promote commercialization of TK, genetic resources, and traditional cultural expressions.

(g) Promote the use of IP as collaterals in Nigeria.

(h) Establish a national fund for commercialization of creativity innovation.

(i) Promote and strengthen the establishment of Technology Transfer Offices in tertiary institutions, technical and research institutes.

(j) Promote initiatives to help MSMEs and research institutions to validate pilots and scale up through market testing.

(k) Promote the use of e-commerce as a platform for commercialization of IPR.

(l) In collaboration with the private sector, establish an independent IP Valuation Institution for Nigeria, comprising IP experts, auditors, and valuers, to serve as a recognized authority for IP valuation.

4.6 Support Structure for Commercialization in the Creative Industries

Issues

The creative industry is the most well-developed IP sector in Nigeria, creating huge employment opportunity and generating income and contributing to the growth of the economy. However, the sector□s potential has not been adequately exploited due to the following:

(a) ***Lack of data on the importance of copyright to the economy:*** Despite being one of the leading countries in the region in terms of copyright industry, Nigeria has not yet undertaken a study to determine the contribution of the copyright industry to her economy.

(b) ***Inadequate role at sub-national*:** Efforts towards making the creative industry more relevant to national development agenda, has mainly been promoted by the Federal Government. Although there are appreciable efforts at sub national levels, a lot needs to be done by the states and local governments in promoting creative industry, since they are closer to the key players in the industry and strategically positioned to identify and reach out

to them.

(c) ***Poor business support system:*** Although government has business support system in place particularly, loan through various schemes powered by the Bank of Industry, apart from the Nollywood fund which a lot of entrepreneurs in the film industry have benefited from, they are not creative industry specific and accessing these funds could be challenging at times. Also, for the Nollywood fund, the sum of N50 million which appears to be the common limits the Bank is willing to provide needs to be reviewed to allow access to bigger sum of projects in the film industry. In addition, bottlenecks hindering access to such funds should be removed. It is instructive to note that there is the Creative Industry Financing Initiative (CIFI), which is another business support initiative in form of funding that is creative industry specific developed by the CBN in collaboration with Bankers Committee specifically for the fashion, music, IT, movie production and distribution as well as software engineering industries. Many stakeholders are not aware of this initiative. There is a need for enlightenment campaign to create awareness among the targeted beneficiaries of the initiative. There is also the need to widen its scope to cover the entire creative industry. It is also worth noting that stakeholders Agencies of government that are supposed to provide business support like the Nigerian Film Corporation (NFC) for the film industry, National Council for Arts and Culture (NCAC) for the cultural industry, the Nigerian Export Promotion Council (NEPC), and the Small and Medium Enterprises Development Agency of Nigeria (SMEDAN), are constrained by funding. Increase funding of these agencies to enable them to perform their statutory mandates task is recommended.

(d) ***Collective Management Organizations (CMOs)*:** The establishment of the three CMOs currently operating in the country by the Nigerian Copyright Commission has strengthened the value chain of each sector of their operations. However, the following challenges will need to be addressed to enhance their effectiveness: reluctance of users of works to pay; lack of the necessary human capacity and infrastructure for effective and efficient operation; constant bickering and fighting amongst rights owners; lack of proper initiative to proactively reach out to users and making them to pay for the use of works; and inadequate monitoring mechanisms for usage and royalty payment in line with global best practices.

Policy Objective

Strengthen capacity and institutional support structures for technology transfer and commercialization of copyright and related rights.

Strategies

(a) Generate evidence on the importance of the copyright sector in Nigeria and use it to lobby for more attention from policy makers.

(b) Enhance the role of the sub-national on development and promotion of the creative sector.

(c) Enhance funding to business support agencies for the copyright sector.

(d) Strengthen the Collective Management Organisations.

4.7 Commercialization of new plant and animal varieties

Issues

The main challenges regarding commercialization of new plant and animal varieties include reliance on imported varieties rather than encouraging domestic breeders; lack of awareness of IP rights related to plant and animal varieties and the high cost of registration, enforcement and maintenance fees, which are a disincentive to local breeders.

Policy Objective

Strengthen commercialization of new plant and animal varieties.

Strategies

(a) Enhance funding support for plant and animal breeders and researchers for the development of new plant and animal breeds.

(b) Create awareness amongst stakeholders on the commercial value and economic importance of new plant and animal varieties.

(c) Develop policy incentive for generation, protection, and commercialization of new plant and animal varieties.

(d) Establish a national information data bank for protected plant and animal varieties.

(e) Encourage local investment in plant and animal breeding and variety development.

4.8 Legislative and institutional framework for enforcement of IP rights.

Issues

(a) ***Legislative framework*****:** IP enforcement regulations are embedded in several statutes that aid the enforcement of IP rights in Nigeria. There is need to consolidate all these laws to form a comprehensive Act statute.

(b) ***Lack of enforcement powers of the industrial property registries*****:** The Patents and Designs Registry and the Trade Marks Registry do not have enforcement powers.

(c) ***Nigerian Copyright Commission*****:** Despite a good provision on enforcement of rights and the empowerment of the Commission as an enforcement agency, enforcement of right is still bedeviled by many challenges and rampant violation of copyright in Nigeria**.** The NCC's capacity for enforcement is impaired by low staffing and funding levels.

(d) ***IP Enforcement Agency*****:** There are several agencies dealing with the enforcement of IP rights in Nigeria, posing a coordination challenge that impacts effectiveness and efficiency in provision of enforcement services.

(e) ***Training of IP enforcement officials and the consuming public:*** There are inadequate training and awareness creation programmes for enforcement agencies, the consuming public, to help enhance enforcements efforts.

(f) ***Creating collaboration and training amongst quasi-enforcement agencies:*** The Police and Customs play a crucial role in enabling IP enforcement; accordingly, it is necessary to involve them in the training schemes and build collaboration between them and IP agencies.

Policy Objective

Strengthen IP enforcement in Nigeria

Strategies

(a) Strengthen the enforcement capabilities of the Patents and Designs Registry and the Trade Marks Registry.

(b) Strengthen the capacity of NCC and other IP related agencies, through better funding and staffing, for effective IP enforcement.

(c) Develop and implement regular training and awareness creation programmes for enforcement agencies and the consuming public to enhance enforcement.

(d) Enhance synergy between various IP enforcement agencies at national and international levels.

(e) Promote the use of technology-based solutions in IP enforcement.

(f) Promote studies and research to assess the level of counterfeiting and piracy in Nigeria and appropriate measures to tackle them.

(g) Facilitate effective adjudication of IP disputes through ADR and other measures.

(h) Sensitize innovators and creators on measures for the protection and enforcement of their IP rights.

(i) Create public awareness on the value of IP and the need to respect creativity especially amongst youth and students.

4.9 IP Training and Education

Issues

The level of IP training and education is key for strengthening IP generation, protection and commercialization. For instance, through IP training and education, students can acquire basic knowledge on IP, which is important since they are amongst the potential IP generators and users. IP training and education are also important to produce the needed professionals that can provide the needed support service for the innovation and creative industries. Such professionals include technology transfer managers, IP attorneys, patent drafters and agents, while commercialization requires services in the areas of IP valuation, licensing and auditing. Training is also required for IP judges, lawyers and enforcement personnel. The following gaps have been identified regarding IP training and education in Nigeria:

(a) Teaching of IP at university level is limited to a few law faculties. The subject of IP hardly features in other disciplines.

(b) While some relevant MDAs provide training on IP, there is no national IP training strategy to coordinate, harness, and strengthen these training efforts.

(c) The Nigerian Copyright Academy and institutions such as the National Film Institute and the National Institute of Cultural Orientation to conduct research and training for the culture and tourism sector, as envisaged in the eight (8) Point Plan and Broad Sector Strategy of the Federal Ministry of Art, Culture and Creative Economy, should be an opportunity for introducing copyright and creative industries programmes for the benefit of the industry players.

Policy Objective

Strengthen IP Training and Education in Nigeria.

Strategies

(a) To achieve the above-mentioned policy objective, the following strategies will be pursued:

(b) Introduce and promote IP education in tertiary institutions, National Judicial Institute, Police and Customs Training Colleges as well as research institutions.

(c) Develop a National IP Training and Education Strategy.

(d) Strengthen the Nigerian Copyright Academy to promote training and capacity building for the creative sector.

(e) Promote the development and adoption of institutional IP policy in tertiary institutions, technology and research institutes, and other relevant bodies.

4.10 IP Awareness

Issues

IP awareness amongst the research community, industry practitioners and the public are important factors in strengthening the management and use of intellectual property rights. Enhanced awareness of IP by decision makers will enable them to prioritize issues that have to do with intellectual property, including the development of appropriate policy initiatives. The level of IP awareness in Nigeria is generally low although some sectors fare better than others.

Policy Objective

Promote IP awareness amongst the relevant stakeholders and the public.

Strategies

(a) Prepare and implement Intellectual Property awareness and outreach plan.

(b) Launch a well-coordinated systematic campaign for promoting Nigerias IP potentials by conveying to stakeholders the value and benefits of IP.

(c) Create well-publicized events and programmes such as national innovation creativity day, World IP Day, establishment of National IP Hall of Fame to draw attention to the importance of IP.

(d) Engage eminent personalities as IP Ambassadors to promote awareness on the importance of IP in Nigeria.

(e) Produce sensitization and education materials for IP promotion in various local languages and pictorial forms for those who cannot read.

(f) Establish of IP Clubs and Societies in educational institutions to encourage youth participation and guarantee the future of IP in Nigeria.

(g) Incorporate Artificial Intelligence (AI) powered tools to propagate IP knowledge.

4.11 Adoption of IP for Sustainable Development and Digital Transformation Issues

Globally, IP has become a central tool in driving sustainable economic development and fostering digital transformation. However, Nigeria has not fully articulated how it can leverage digital technologies to enhance IP generation, commercialization, and enforcement, particularly in light of the rapid growth of Artificial Intelligence (AI), block chain, and fintech sectors. These emerging technologies not only create new IP but also challenge traditional IP systems, requiring dynamic responses.

Policy Objective

Promote innovation, protect creativity, enhance digital transformation and drive economic growth.

Strategies

(a) Update and enforce IP laws, regulations, and policies to align with international standards and address digital transformation.

(b) Raise awareness among the public, businesses, creators and innovators about the importance of IP in sustainable development and digital transformation.

(c) Build institutional capacity and strengthen relevant institutions to effectively manage and enforce IP rights.

(d) Establish innovation hubs and incubators to foster creativity, entrepreneurship, and IP-driven innovation.

(e) Provide IP-related support services, such as registration, protection and commercialization, to small and medium-sized enterprises (SMEs).

(f) Collaborate with other countries and organizations at regional and international levels to address global IP challenges.

(g) Utilize digital technologies to enhance IP administration, protection, and enforcement.

(h) Foster partnerships between government, industry, and academia to promote IP-driven innovation and sustainable development.

(i) Regularly assess the effectiveness of IP strategies and initiatives in achieving sustainable development and digital transformation goals.

4.12 Green IP and Sustainability

Issues

Green Intellectual Property (Green IP) is the use of intellectual property rights to promote environmentally friendly technologies and innovations. It aims to support sustainable development by encouraging innovation, protecting access to green technologies, and promoting sustainable practices. Green IP and sustainability are interconnected, balancing economic, social and environmental considerations.

However, Nigeria has been unable to harness these potentials due to factors that include- lack of awareness, inadequate legal framework, weak enforcement, limited funding, infrastructure challenges, policy inconsistencies and poor public perception. To promote sustainable innovation in Nigeria, the country should adopt green IP initiatives that encourage the development of environmentally friendly technologies, particularly in the agricultural, energy, and environmental sectors. This can be achieved by integrating green IP initiatives that incentivize the creation of sustainable technologies

Policy Objective

Promote the development and use of green IP through appropriate initiatives.

Strategies

(a) Develop a comprehensive framework for green IP initiatives, outlining goals, objectives, and strategies.

(b) Offer rewards, tax breaks, or other incentives for inventors and businesses developing environmentally friendly technologies.

(c) Raise awareness among innovators, businesses, and the public about the importance of green IP and sustainable innovation.

(d) Draw on global best practices and expertise in developing Nigeria's green IP initiatives.

(e) Establish databases, registration systems, and other infrastructure to support green IP protection.

(f) Foster collaboration between government, industry, and the academia to drive sustainable innovation.

(g) Offer support services for inventors and businesses to help them navigate the green IP system.

(h) Regularly assess the effectiveness of green IP initiatives and make adjustments as needed.

(i) Explore the potential for green bonds to fund environmentally friendly projects and support sustainable innovation.



CHAPTER 5

PROGRAMMES AND PROJECTS

5.1 Summary of programmes and projects

To realize the policy objectives and strategies, the following projects and programmes will be pursued by the Government and its Agencies in the short-term (1 year), medium-term (up to 3 years) and long term (up to 5 years). A summary of these activities is given in the table below. This chapter provides description of each of these activities, the status, what need to be done and by whom.

	Programmes and Projects	Duration
Policy Objective 1: Strengthen legal framework for the protection of IP rights		
1	Review legislation on patents, industrial designs, and trade marks	Short Term
2	Review the Copyright Act and Regulations to cover identified gaps	Short Term
3	Develop new legislation for trade secrets, layout integrated circuit, utility models and geographical indications, animal breeders rights, traditional knowledge and traditional medicine	Long Term
4	Develop regulations for Plant Variety Act, 2021	Short Term
5	Domesticate relevant international treaties	Medium Term
6	Accede to the International Convention for the Protection of New Varieties of Plants	Medium term
Policy Objective 2: Strengthen the institutional framework for the administration and management of intellectual property rights		
1	Establish the Nigerian Intellectual Property Commission	Medium Term
2	Consolidate formal and substantive examination of Patents	Medium Term
3	Develop and implement a plan for automation of IP registration	Medium Term
4	Develop and implement a plan for full operationalization of Plant Varieties Protection Office	Short Term
5	Develop and implement a plan for strengthening human resource capacities of the IP offices	Medium term
Policy Objective 3: Enhance generation and protection of intellectual property rights		
1	Enhance funding for R&D and innovation in academia and industry	Medium Term
2	Promote recognition and use of IP for promotion of researchers	Medium Term
3	Support more universities and research institutions to established IP policies and revise existing policies	Medium Term
4	Increase the use of patent information system for research and innovation	Long Term
5	Support the development of human resource for management and protection of IP in universities and research organizations	Long Term

6	Develop and implement a framework for strengthening linkages between universities and industries	Medium Term
Policy Objective 4: Strengthen capacity and institutional support for technology transfer and commercialization of intellectual property rights		
1	Develop and implement a plan for capacity building of IP professional service providers	Medium Term
2	Develop and implement a national IP commercialization framework	Long Term
3	Develop and implement a plan for strengthening the capacity of NOTAP	Medium Term
4	Develop and implement a plan for promoting the growth of start-ups and innovation hubs in Nigeria	Long term
5	Develop and implement a plan for plan for commercialization of TK and associated rights	Long term
6	Develop a framework for promoting the use of IP as collateral for resource mobilization	Long Term
7	Promote and strengthen establishment of Technology Transfer offices in universities, technical and research institutions	Long term
8	Promote initiatives to assist MSMEs and research institutions to validate pilots and scale up through market testing	Medium Term
9	Promote development and adoption of IP Policy by universities, technical and research institutions	Long term
10	Promote fact-finding studies and research in collaboration with relevant stakeholders to assess the extent of counterfeiting and piracy and develop appropriate measures to tackle it.	Long term
11	Promote and support ongoing efforts towards the establishment of legislation on Geographical Indications	Medium Term
Policy Objective 5:Strengthen capacity and institutional support for technology transfer and commercialization of copyright and related rights		
1	Undertake a study on the economic contribution of the copyright sector	Medium Term
2	Develop and implement a plan for enhancing the role of sub-national level of government on development and promotion of the creative sector	Long Term
3	Strengthen the business services agencies for the creative sector	Medium Term
4	Develop and implement a plan for strengthening the capacities of the Collective Management Organizations	Short Term
5	Enhance the role of sub-national levels on the development and promotion of the creative sector	Long Term
6	Enhance coordination of agencies responsible for copyright and related rights	Medium Term
7	Launching an initiative to develop data generation and analysis capacity at the national and regional level in cooperation with WIPO	Long Term
Policy Objective 6: Strengthen technology transfer and commercialization of new plant varieties		
1	Develop and implement a plan for promoting commercialization of plant varieties rights in Nigeria	Medium Term
Policy Objective 7: Strengthen enforcement of IP rights		
1	Establish Tribunals and ADR mechanisms for intellectual property rights	Long Term
2	Develop and implement a plan to strengthening the staffing capacity of IP Agencies	Medium term
3	Develop and implement training and awareness programmes for key stakeholders, enforcement officials and the public	Medium term
4	Promote use of technology-based solutions in IP enforcement	Medium Term
5	Enhance synergies between various IP enforcement agencies to strengthen enforcement initiatives, sharing of experiences and best practices at national and international levels	Long Term

Policy Objective 8: Strengthen IP Training in Nigeria		
1	Develop and implement a plan for enhancing IP training in universities and tertiary institutions	Long Term
2	Develop and implement a national IP training and education strategy	Long Term
3	Develop and implement a plan to strengthen the Nigerian Copyright Academy	Short Term
4	Develop and implement IP Education in the National Judicial Institutes, Police and Customs Training Colleges as well as research institutes	Medium Term
Policy Objective 9 : Promote IP awareness to stake holders and public		
1	Develop and implement IP awareness and outreach plan for industrial property	Medium Term
2	Develop and implement IP awareness and outreach plan for copyright sector	Medium Term
3	Develop and implement IP awareness and outreach plan for seed sector	Short Term
4	Identify and engage highly respected personalities to be IP ambassadors	Short Term

5.2 Strengthen Legal Framework for the Protection of IP Rights

5.2.1. Review the existing legislations on patents, industrial designs, and trade marks

(a) Patent Legislation

Patent legislation will be reviewed to provide for protection of utility models. To promote innovations in all areas of the economy, support the innovativeness of MSME sector and harness the innovations from the informal sector including industrial clusters, the patents statute will be amended to introduce provision for protection of utility models. To provide evidence and justification, a rapid evaluation/assessment will be undertaken to document importance of utility models to promoting innovations and economic development of the country. This activity will be spearheaded by the Patents and Designs Registry.

(b) Trade Marks

The Trade Marks Act will be reviewed to provide for the following:

(i) ***Express provisions relating to the incorporation of Service Marks into the Act***: The Nice Agreement provides for the classification of trade and service marks, albeit, in adopting the aforesaid agreement under Nigeria□s industrial property practice, service mark is conspicuously absent in the provisions of the laws and regulations. The Business Facilitation (Miscellaneous Provisions) Act, 2022, has broadened the definition of "trade marks" to include □service marks.□ While this is a step forward, it does not resolve the broader issues with the inadequacy in the current legal framework.

(ii) ***Provisions relating to the listing of Convention Countries that can benefit from priority applications as provided under the Paris Convention***: The Trade Marks Act provides for priority application based on reciprocal convention treaties. The beneficiaries of the relevant provisions of the Act are to be determined by the Minister with oversight responsibility over the Trade Marks Registry. Presently, the Minister is yet to designate countries that will benefit from the relevant provisions of the Act. It is

important that steps be taken to bring the application of the law in line with treaty obligations and expectations.

(iii) ***Practice Direction***: A clear separation between the functions of the Registrar in an administrative and quasi-judicial capacity is needed. Current provisions of the Act vest the Registrar with administrative and quasi-judicial powers and in the absence of practice direction, this has presented numerous situations where the Registrar can be seen to be sitting as an adjudicator over matters that he/she has taken an administrative decision over. In line with legal expectations, there is need to set out clear directives on the path and manner of conducting and handling contentious quasi-judicial matters. This can be initiated by way of creating and proving a Practice Direction. The Minister through the office of the Registrar can implement this in the short term.

(c) Copyright and related rights

The Copyright Act, 2022 was enacted, to address some of the lapses identified in the old Act. However, there are still significant gaps in the legislation arising from new developments and the practical challenges in its implementation. There is therefore need for further review.

5.2.2. Develop and enact new legislation for existing and emerging areas

(a) **Trade Secrets**

Article 39 of TRIPS classifies Trade Secrets (TS) as undisclosed information that needs to be protected under certain conditions. Indeed, this unconventional aspect on intellectual property law, as stated by WIPO is important as it provides incentive for businesses to innovate by safeguarding the substantial time and capital invested to develop competitively advantageous innovations, both technical and commercial, and especially those that are not patentable or do not merit the cost of patenting. The commercial relevance and viability of TS is first and foremost inherent in its content and secondly, assuring in the concept that its dubious acquisition exposes one to dire consequences. There is no specific legislation on the protection of TS in Nigeria. However, semblance of protection is offered by section 15 of the Nigerian Freedom of Information Act (2011). There is need to articulate a provision for trade secrets protection within the body of industrial property legislation. This can be done by the Nigerian Law Reform Commission working in conjunction with the Registry. The process can be incorporated within the body of the pending Industrial Property Bill.

(b) **Integrated Circuits**

Integrated circuits may be patentable if they meet the criteria for patentability. Otherwise, integrated circuits may be registrable as industrial designs in Nigeria. There does not seem to be a local integrated circuits industry or any international group that advocates a position in Nigeria. It is uncertain whether the industrial design registration system is sufficient for the industry but there is no evidence of clamour by the industry for law reform to create a

sui generis system for integrated circuits.

(c) **Geographical indications**

The emergence and introduction of GIs as an IP rights requires a legislation to capture it full purpose and benefits. By its very nature, GIs importance and relevance are highlighted by its vast potential to create a value chain effect and galvanise rural socio-economic development. There is also the positive commercial PR perception attached to the source. While GIs may be protected under different mechanism, it is recommended that efforts should be made towards promoting the establishment of a sui generis legislation on Geographical Indications.

(d) **Animal breeders rights**

Nigeria must pass laws that vest animal breeders with exclusive rights to restrain unfair competition against their breeds and enable them to recoup their investments.

5.2.3. Develop Regulations and Guidelines for PVP Act (2021)

The PVP Office has developed a PVP regulation and guidelines. This document has been reviewed and validated by industry stakeholders and is currently with the legal drafting department of the Federal Ministry of Justice. Efforts are ongoing at finalizing this process and making the document a subsidiary law in Nigeria.

5.2.4. Domesticating international treaties

The three IP Agencies in collaboration with other stakeholders will prepare a roadmap for domestication of the international agreements, treaties and protocols that align with national objectives. The roadmap will include: the prioritized treaties and agreements for domesticating, and their importance to national development; how best the process will be undertaken, taking into consideration the concerns of key stakeholders, and the timelines.

5.2.5. Accession to UPOV Convention

As of March 27, 2025, Nigeria became the 80th member of the International Union for the Protection of New Varieties of Plants (UPOV), following the deposit of its instrument of accession on February 27, 2025. This development represents a strategic step towards enhancing investment opportunities and strengthening Nigeria s participation in international trade by aligning with the UPOV model for plant variety protection.

5.2.6. Develop legislation on traditional knowledge, genetic resources and traditional cultural expressions

There is a significant number of people that rely on traditional medicine (TM), rather than convention medicine. Traditional, Complementary and Alternative Medicine (TCAM) encompasses various practices, such as herbal medicine, acupuncture, mind-body therapies, Manual therapies, etc.. These practitioners possess health practice secrets that need protection

for sustainability. The development of improved regulatory framework for TM therefore becomes imperative. It is expected that Traditional, Complementary and Alternative Medicine (TCAM) Council, the statutory body mandated to regulate food, Medicine and cosmetics will take up this challenge. The TM practitioners and users may need to push for relevant reforms. TM has been of immense benefit in China, India and some older traditional societies and TM from those territories are in use in Nigeria. Nigerians will benefit if TM is adequately regulated and promoted.

It is imperative to note that Federal College of Alternative and Complementary Medicine (FEDCAM) Establishment Act was passed in 2021 and became operative in 2023. A college in that regard has been set up to promote the development and recognition of traditional and alternative medicine in Nigeria, provide a formal education and training framework for practitioners, promote research and development in traditional and alternative medicine and to conserve and develop traditional medicine practices in Nigeria.

5.2.7. Data Protection and IP Convergence

The convergence of data protection laws and intellectual property (IP) has sparked significant international interest in understanding how data-driven innovations and Big Data impact IP creation and protection. As digital innovations continue to evolve, there is a pressing need to integrate data protection and IP considerations. This can be achieved by fostering legislation that strikes a balance between:

(a) Encouraging innovation and creativity

(b) Protecting individual privacy and data rights

(c) Safeguarding databases as valuable IP assets

By addressing these aspects, it can be guaranteed that the legal framework supports the development of data-driven innovations while maintaining the integrity of IP rights and protecting personal data.

5.3 Strengthen the institutional framework for the administration and management of intellectual property rights

5.3.1 Develop a roadmap for the establishment of the Nigerian Intellectual Property Commission

In line with the resolution of the Federal Executive Council on 26th February 2024, a roadmap for the establishment of the Nigerian Intellectual Property Commission under the Federal Ministry should be developed.

5.3.2 Consolidate Formal and Substantive Examination of Patent Application.

To ensure that only novel inventions are patented and to ensure that specifications offer sufficient disclosure, the patents statute will be amended to introduce a substantive examination in line with all International Agreements, Treaties and Protocols to which Nigeria is a signatory and obliged to comply, but consistent with Nigeria□s national interests and objectives. To provide evidence

and justification, a rapid evaluation/assessment will be undertaken to document global and regional trends on this matter as well as the benefits that the transition will bring to Nigeria as a country and the IP users. This activity will be spearheaded by the Patents and Designs Registry. To take care of transition, the process will consider the following:

(a) Collaboration between the patent Registry, NOTAP and selected universities towards the establishment of sectorial substantive examination, where expertise is found, to develop local capacity for substantive examination.

(b) The relevant supervising ministry must commence discussion and negotiations towards adopting certain external Examination Offices, for a specified period, to train and conduct substantive examination on areas where internal capacity is found wanting.

This activity will be spearheaded by the Patents and Designs Registry.

5.3.3 Develop and Implement a Plan for Automation of IP Registration

All the three Agencies will prepare and implement a plan for automation of IP registration process and related administration activities including electronics publication of trade marks, patents, industrial designs and opposition notices. The Patent and Trade Mark Registries are partially automated. However, this is only with regards to their filing system. This procedure has not been extended to payments and other forms of recordals. The Design aspect of IP lacks any form of automation. Presently, there is a WIPO assisted initiative on electronic data capture and filing programs in both Registries. While data capture is a pre-requisite for the effective and efficient operations of the Registries, the WIPO industrial property administration system (IPAS) deployed in Nigeria is materially and procedurally different from the internally contracted online filing system that has been in operation for several years. Therefore, there is a need to marry the WIPO IPAS system with the online registration platform towards the deployment of a single effective automated system.

5.3.4 Develop and Implement a Plan for Full Operationalization of Plant Varieties Protection Office

The PVP management have commenced the process of setting up a functional PVP Office including putting in place a functional end-to-end online platform that would enable submissions of application from any part of the world and the granting of plant Variety protection right to applicants that meet the requirement set out by the Act.

Furthermore, to promote the development of PVP system, the PVP Office will prepare a plan of action for the next 5 years that will include the establishment of a PVP office and facilities for testing for distinctiveness, uniformity and stability (DUS), engage in human and operational capacity development of staff of involved organizations; create awareness and ensure ownership in PVP with seed sector stakeholders at all levels; and address relevant issues such as the benefits of PVP, and the link between PVP, the seed law and variety release modalities.

5.3.5 Domesticate relevant provisions of the WIPO Treaty on Genetic Resources and Associated Traditional Knowledge

Although Nigeria, in May 2024, was among the countries that adopted the WIPO Treaty on Genetic Resources and Associated Traditional Knowledge, the treaty, which is yet to come into force has not been ratified by the country. It is important for the country to ratify the treaty and domesticate its provisions to promote better safeguard its genetic resources and associated traditional knowledge as well the interests of local communities. This will not only strengthen the protection of the nation□s biodiversity but also promote the sustainable commercialization of genetic resources and traditional knowledge.

5.4 Enhance generation and protection of intellectual property rights

5.4.1 Enhance funding for R&D and innovation in academia and industry

The National Universities Commission will work with relevant government agencies to prepare a resource mobilization strategy for R&D activities. Also, efforts should be made by TETFUND to increase the amount allocated as research grants to researchers and make the application process more user friendly.

5.4.2 Strengthen Legal Framework for the protection of IP rights

National Universities Commission in collaboration with Universities Vice-Chancellors Committee will come up with a programme to ensure the use of IP applications and registrations for the purpose of promotion of university Lecturers and Researchers is incorporated in the human resource policies in all universities and tertiary institutions.

5.4.3 Support universities and research institutions to establish IP policies and revise existing policies

NOTAP has published Guidelines on Development of institutional IP Policy for universities and R&D institutions. These Guidelines highlight how each R&D institution can formulate and implement its IP Policy to protect tangible research products such as inventions, industrial designs, and Knowhow. The Committee of Vice Chancellors in collaboration with NCC, has also developed a Model IP Policy for Universities and other Tertiary Institutions. To consolidate these efforts, the National Universities Commission should incorporate the possession of IP policy in its institutional accreditation criteria.

5.4.4 Increase the use of patent information system for research and innovation

The Patents and Designs Registry in collaboration with NOTAP, will prepare a framework for coordination of efforts between the relevant government agencies, universities, research institutes and the private sector aimed at encouraging researchers, innovators, inventors, businesses and SMEs to use patents which are in the public domain for research, innovation and exploitation.

5.4.5 Support the development of human resources for management and protection of IP in universities and research institutions.

IP agencies are to assist universities and research institutions to prepare and implement

appropriate frameworks for developing human resources for IP management and protection in these institutions.

5.4.6 Develop frameworks for strengthening linkages between universities and industries.

IP agencies are to work with industry associations to develop framework documents and policies for strengthening linkages between academia and industries. Such framework should include the following:

(a) The use of incentives by government to promote collaborative IP generation and commercialization efforts between universities and industry such as tax reduction on companies that patronize local researchers and collaborate in R&D efforts of universities.

(b) Provision of seed funding for marketing activities such as participating in trade fairs and other forums by TETFUND. This could be achieved in the medium term.

(c) Establishment of mechanism to help MSMEs and Universities to validate pilots and scale up through market testing. Collaboration of SMEDAN with the universities could get this achieved in the medium term.

(d) Promoting the engagement of the private sector in the R & D efforts of universities.

5.4.7 National IP Commercialization Framework

In line with best global practices, Nigeria should establish a National IP Commercialization Office. This office would centralize and coordinate IP commercialization efforts, connecting universities, startups, and industries. A robust IP commercialization roadmap should include clear KPIs (Key Performance Indicators), such as the number of patents commercialized, licensing agreements signed, and startups launched based on IP.

5.4.8 IP as Collateral for Financing

IP-backed financing is gaining global recognition. Nigeria should establish legal and financial mechanisms to enable SMEs, startups, and creatives carry out valuation of their IP assets and use them as collaterals for loans and venture capital.

5.5 Strengthen capacity and institutional support for technology transfer and commercialization of intellectual property rights

5.5.1 Develop and implement a plan for capacity building of IP professional service providers

To address the inadequate/lack of IP professionals to support commercialization and technology transfer, the three National IP Agencies in collaboration with NOTAP, the National Centre for Technology Management (NACETEM) and Estate Surveyors and Valuers Registration Board of Nigeria (ESVARBON), will develop and implement a plan to train professional service providers in valuation, licensing, and auditing intellectual property assets as well as technology management and negotiation. This could include existing workshops/

conferences programmes of NOTAP and the technology management training programmes of NACETEM and ESVARBON).

5.5.2 Develop and implement a national IP commercialization framework

The respective IP Agencies have huge potentials to contribute to national economic growth and should be encouraged and supported to undertake periodic studies on the contributions of the respective subject matters (patents, design, trademarks, plant varieties etc.) to the general socio-economic development of the country. To enhance technology, transfer and commercialization of R&D results, within the framework of this policy, NOTAP working closely with the National Universities Commission will prepare a national framework for commercialization and technology transfer. The framework will look at all aspects of commercialization including addressing research uptake, weak linkages with industries, resourcing of technology transfer office, the role of government in supporting technology transfer and commercialization. The framework will ensure that all Nigerian universities and research institutes must be encouraged to establish and properly staff and run technology transfer offices (TTOs). The TTOs must engage these institutions on their research drive, the private sector, funding organizations and persons with a view to commercializing their findings. The TTOs must form a network and share knowledge and information without compromising relevant confidential information.

5.5.3 Develop and implement a plan for strengthening the capacity of NOTAP

The National Office for Technology Acquisition and Promotion (NOTAP) has been implementing a project - Establishment of Intellectual Property and Transfer of Technology Office (IPTTO) by the Universities, Polytechnics and Research Institutions with the task of promoting interaction and strengthen the linkage between University/Research institutions and industries develop a robust IPRs portfolio through patenting, copyright, technology licensing and supporting the development of patent culture. The Patents and Design Registry has also introduced Technology Innovation Support Centre (TISC) for the purposes of training participants in patent drafting skills. Although there is positive impact of both the IPTTO and TISC projects, the full potentials of these projects are yet to be realized due to several factors which include: inadequacies in funding, human capacity and infrastructure for their full operational values, and relatively poor IP awareness in the Nigerian education curriculum. NOTAP, working with other partners, will develop and implement a plan to strengthen its capacity to enhance its service delivery.

5.5.4 Develop and implement a plan for promoting the growth of start-ups and innovation hubs in Nigeria

To enable the strengthening of the Nigerian Innovation Ecosystem, the Nigeria Startup Act, 2022 introduces a new legal framework for startups in the country. Its adoption is anticipated to stimulate the expansion of Nigeria's IT sector and help create a welcoming atmosphere for new businesses. The Act includes requirements for qualifying entrepreneurs to label themselves and create unique seed funds specifically for funding labelled businesses, technology accelerators, incubators, and hubs, among other things. Under the Act, investors, venture capitalists, and labelled companies are all eligible for a variety of tax and financial incentives with the aim of enabling the implementation of strategies to encourage and support the development and growth of more innovation-driven enterprises (IDEs) in the country. Furthermore, a Startup Support and

Engagement Portal will be established to provide a centralized point of contact for dealings with relevant regulatory.

The Startup Act and the tax relief aim to actualize the mission encapsulated in the National Digital Economy Policy and Strategy (NDEPS) for a digital Nigeria and spearheading these efforts are various MDAs, more particularly, the Ministry of Science, Technology and Innovation and National Information and Technology Development Agency (NITDA). At the state level, Lagos State Government has taken concerted steps to address critical business challenges being encountered by innovative Tech Entrepreneurs and young Innovators in the digital sphere Lagos State has become a leader in this digital revolution, drawing interest from investors and attention from all over the world. As of 2022, startups based in Lagos accounted for more than 87% of all tech startup investment in Nigeria, confirming the city's standing as the hub of the nation's tech industry. The Startup Blink Global Startup Ecosystem Index 2023 ranks Lagos' startup ecosystem at number 82 out of 100 worldwide, up from number 41 the previous year[67].This model should be reviewed and promoted in cities. The University of Nigeria has also commenced incubation Program for startups by offering a 3-month Intensive Training Program aimed at supporting top notch and Innovative Startup Ideas across Nigeria. This model should be reviewed and promoted in other universities.

5.5.5 Develop and implement a plan for commercialization of TK, Genetic Resources and Traditional Cultural Expression

The government will prepare a plan for commercialization of TK and associated rights which will include the following:

(a) NAPRD undertaking an aggressive collaborative engagement with pharmaceutical companies to produce the results of their R&D.

(b) The Nigeria Natural Medicine Development Agency embarking on the development of a comprehensive database of Nigerian herbal and cosmetic remedies and engage with universities, research institutes and relevant local and international private sector organizations to promote further research and commercialization of Nigeria□s biodiversity.

(c) The NUC encouraging universities and research institutes to link up with the Raw Materials Research and Development Council in ascertaining the level of findings to avoid duplication and re-inventing the wheel and to identify areas where improvement can be made to existing knowledge and including TK and Associated Rights in science, pharmaceutical and medical curriculum to promote the co-recognition and co-existence in health or medical investigation and practice.

(d) Federal, State and Local Governments supporting the sensitization of the public on the economic benefits of TK, GR and TCEs.

5.5.6 Develop a framework for promoting the use of IP as collateral for resource mobilization

IP Agencies will work with the CBN, financial institutions and relevant professional bodies to

develop a framework for valuation, recognition and registration of IP assets to facilitate their use in resource mobilization.

5.6 Strengthen capacity and institutional Framework for commercialization in the creative sector and technology transfer and

5.6.1 Undertake a study on the contribution of the copyright sector on the economy.

The creative industry has huge potentials to contribute to national economic growth and development particularly in economic diversification, employment, income generation etc., but the economic impact of these industries has not really been studied. A study of the economic contribution of the copyright-based industries to national economic growth and development needs is recommended to have a clear picture of the huge potentials of this sector, and the vital role it could play in facilitating the realization of government policy goals. The Nigerian Copyright Commission will undertake a study on the contribution of the copyright sector to the socio-economic development of the country and use the results to mobilize more support for the sector.

5.6.2 Strengthen selected government schemes for the creative industry.

There are several government schemes that provide financial and capacity building programmes to enterprises. These include the Bank of Industry Fund for Nollywood, Creative Industry Financing Initiative (CIFI), Youth Empowerment Support Programme, You win Connect Nigeria, Government Enterprise and Empowerment, Graduate Entrepreneurial Fund, Federal Government of Nigeria Special Intervention Fund for MSMEs. However, apart from the Nollywood Fund, and the CIFI, all the other schemes are not creative industry specific. There is need to strengthen the Nollywood fund, establish similar funds for other sub-sectors of creative industry, and broaden the scope of the CIFI to cover the entire creative industry. The specific activities that will be undertaken may include the following:

(a) Government, through the Bank of Industry, needs to review the policy frameworks for all funds tied to the creative industry and remove bottlenecks hindering access to the funding facilities.

(b) The policy framework for the CIFI which is the latest finance intervention by the Government needs to be reviewed to broaden its scope to cover the entire creative industry.

(c) The Bank of industry, FMACCE and other promoters of these funding initiatives and programmes need to address the acute lack of awareness of these initiatives among stakeholders and potential beneficiaries in the industry. This could be achieved through appropriate enlightenment strategy like directly engaging potential beneficiaries of these initiatives on the platform of stakeholders associations in the various sectors of the creative industry.

(d) Publicity outreach programmes need to be undertaken by the FMACCE and Bank of Industry to Universities, tertiary institutions and the National Youth Service Corp orientation camps across the country to create awareness of funding initiatives among

young graduates.

(e) The Small and Medium Enterprises Development Agency (SMEDAN) needs to reboot some of its schemes for promoting MSMEs and collaborate with the Bank of Industry to facilitate access to the Bank□s funding schemes and other funding schemes whichthe creative industry could benefit from, by proactively reaching out to entrepreneurs in the creative industries.

(f) The CBN, which has emerged as the initiator of these initiatives through the Bank of Industry, should create a platform to feel the pulse of stakeholders and targeted beneficiaries of these initiatives by way of regular feedback on their impact, challenges being experienced, and suggestions to improve their implementation for greater impact. The SMEDAN could also be part of this programme.

(g) Government through the Federal ministry of finance needs to review fiscal policies negatively impacting the creative industry like the high import duty on printing materials that is turning out to be a major encumbrance to the development of the Nigerian publishing industry.

5.6.3 Strengthen selected government Agencies in the creative industry.

Business support system is still a big challenge for players in creative industries. Government agencies established to provide business support services such as the SMEDAN, NEPC, NCAC, and NFC should collaborate with stakeholders and come up with appropriate strategies to enhance their effectiveness. In this respect:

(a) SMEDAN need to revive the SMEDAN initiatives and adjust their focus to be more accommodating to the creative industry.

(b) NEPC need to expand its services to include the creative industry by coming up with appropriate initiatives to harness the potentials for export.

(c) NCAC needs readjustment of institutional perception of the creative industry as instrument for national economic growth and development and t facilitate its realization.

(d) The Nigerian Copyright Commission should be supported to implement the provisions of the Copyright Act relating to the copyright levy scheme in line with global best practice.

(e) The copyright levy under the Copyright Act should be used to support anti-piracy operations, promote creativity, compensate right owners through their respective Collective Management Organisations and support the efficient administration of the scheme by role players.

(f) A National Film Development Fund should be established to provide grant support and soft loans for equipment acquisitions, infrastructural development such as cinema and community theatres. The Endowment for the Arts Fund should be activated and

capitalized to provide funding opportunities to the creative sector.

(g) The Nigerian Film Corporation Law should be reviewed to reform and reposition the Corporation for effective and efficient service delivery in accordance with the best global practices as a commission. This will enable it to be the government prime agency to drive the regulation, growth and development of the Nigerian film industry.

5.6.4 Develop and implement a plan for strengthening the capacities of the Collective Management Organisations

To enhance the efficiencies and effectiveness of the operations of the CMOs, the NCC in collaboration with the CMOs and other partners will develop and implement a plan to strengthen the capacities of the collective management organizations as well as awareness and outreach programs to sensitize users on their obligations to pay for use of works. Furthermore, collective management organizations (CMOs) should be required to come up with effective strategies and recommendations of enforcing the rights of authors and encouraging users to pay for the use of copyright works. This can be achieved through capacity building programs and initiatives to increase awareness to enhance understanding of paying for use of copyright works by the users[68]. To effectively collect and distribute revenue to creators, there is need for the CMOs to develop and implement a plan to strengthen their capacity. Additionally, a significant portion of the copyright levy should go to creatives through their respective CMO's.

5.6.5 Develop and implement a plan for enhancing the role of sub-nationals on development and promotion of the creative sector

Efforts to make the creative industry more relevant to the national development agenda, have mainly come from the Federal Government. Although, there are commendable initiatives at sub-national levels, a lot still needs to be done by States and Local Governments in the establishment of creative hubs and mobilization of grants, to ensure a more coordinated and effective approach to supporting the creative industry. This even becomes more important, when the fact of their being closer to the key players in the industry and thus strategically positioned to identify and reach out to them is taken into consideration. This up-to-bottom approach instead of the bottom-up approach to galvanize and effectively harness the industry for national economic growth and development has not really been helpful to the industry.

States and local government s needs to be mobilized to give necessary supporfor the creative industry in their domain. One way of doing this is to give them more recognition by identifying the vital role they can play and the benefits they stand to gain through promoting and supporting the creative industry in their domain in any national policy aimed at addressing the issue. In the Medium Term, the NCAC and NCC, in collaboration with other agencies and stakeholders, will develop and implement a plan on enhancing the role of sub-nationals in the development and promotion of the creative industries.

5.6.6 Enhancing coordination of agencies responsible for copyright and related rights

The creative industry is regulated by many government agencies. These are: the Nigerian

Copyright Commission, the National Film and Video Censors Board, the Nigerian Council for Arts and Culture, and the Nigerian Broadcasting Commission. Although, the Nigerian Copyright Commission is the key government agency statutorily saddled with the responsibility of protection, administration and enforcement of copyright in Nigeria which is a positive development, stronger ties with other regulatory agencies are recommended to boost the regulatory framework of the industry. These Agencies will be required, in the medium term, to develop a framework for enhancing coordination amongst them to increase efficiency and effectiveness in service delivery.

5.7 Strengthen technology transfer and commercialization of new plant varieties

The PVP Office working together with stakeholders will develop and implement a plan for promoting commercialization of plant varieties rights in Nigeria. The strategy will include the following:

(a) Funding support for plant breeders and researchers for the development of new plant breeds.

(b) Awareness creation on the commercial value of new plant varieties among researchers and plant breeders.

(c) Enlightenment of plant breeders on the value of their IPR s and the imperative of proactively taken steps to protect their rights under the plant variety protection law.

(d) Making the plant variety protection regime more user friendly through initiatives like low registration cost.

(e) Creation of a national data bank that is easily accessible on new plant breeds with information on their agricultural/economic value.

(f) Agricultural extension agencies/workers to be regularly updated on the emergence of new plant varieties, its potentials in terms of value to farmers, and the need to encourage patronage by farmers.

(g) Subsidy regime to be provided by government for the acquisition of seeds of new plant varieties to make it more affordable and attractive to farmers.

5.8 Strengthen enforcement of IP rights

5.8.1 Dedicated IP Tribunals and ADR Mechanisms

Nigeria should establish dedicated IP tribunals and Alternative Dispute Resolution mechanisms to fast-track the resolution of IP disputes. This initiative, which has proven to be successful in several countries around the world, will enhance the enforcement of IP rights and provide quicker and cost-effective options for creators and inventors.

5.8.2 Enhanced Border Enforcement.

WIPO and INTERPOL regularly emphasize the importance of border enforcement in curbing counterfeit goods and pirated works. Nigeria should strengthen its customs IP Unit through enhanced training and cross-border collaboration with neighbouring countries to effectively monitor and seize counterfeit goods, aligning with international best practices.

5.8.3 Regional Approach to enforcement

A regional approach is recommended to provide stronger interagency cooperation for cross border piracy activities and harmonization of IP enforcement strategies for checking cross-border violation of IP rights. The Nigeria Customs Service has an existing platform for interacting with their counterparts in neighbouring west African countries under the platform of World Custom Organization (WCO) through Regional Intelligence Offices. INTERPOL also provides enabling services to detect and combat violation of IP rights within Nigeria and abroad and services offered by both organisations could be utilized through collaborative efforts.

5.8.4 Enhance the use of technologies and innovation on enforcement

The issue of enforcement cuts across all IPRs, therefore the IP Agencies will review current measures against IPR violations to prepare a plan for enhancing the use of adequate technology in their enforcement operations.

5.8.5 Develop and implement a plan for strengthening the staffing capacity of IP Agencies

To enhance the capacity of IP agencies to handle enforcement, the agencies will come up with human resource plan that will document the number, qualifications and skills of staff required to effectively deal with IP violations, propose ways of their recruitment, deployment, and capacity building.

5.8.6 Develop and implement training and awareness programmes for judges and trademark opposition

5.8.7 Develop and implement training and awareness programmes for judges and trademark opposition officials

It is recommended that IP capacity building programmes, including but not limited to short courses, seminars and workshops, for judges and trademark opposition officials should be designed by the National Judicial Institute with inputs from IP training institute like the Copyright Academy, the Nigerian Institute of Advanced Legal Studies, the National Centre for Technology Management (NACETEM), and the Patents and Designs Registry and Trade Mark Registry, in conjunction with WIPO. The Chief Judge of the Federal High Court also should be engaged to explore the possibility of designating some courts as IP courts or specific judges in existing courts, as specialization could be a means for boosting human capacity. Familiarity courses and CLE should be promoted by the National Judicial Institute as a mandatory requirement for judges handling IP related matters. In the medium term, to stimulate growth in these areas, judges should be appointed and assigned to designated IP courts based on their expertise on IP matters.

5.9 Strengthen IP Training in Nigeria

5.9.1 Develop and implement a plan for enhancing IP training in universities and tertiary institutions

The knowledge of IP in Nigerian tertiary institutions and research institutes needs to be strengthened. Apart from a few universities where IP is taught mainly in the Faculty of Law, many universities and research institute do not have similar courses. Concerted efforts must be made to

promote the teaching and research in IP in the tertiary institutions and research institutes. The National Universities Commission, National Board for Technical Education (NABTE) and the National Commission for Colleges of Education (NCCE) should be engaged to develop and mainstream IP into their entrepreneurship programmes and general studies. This will include:

(a) introducing IP curricula to departments other than Law.

(b) short-term training courses on management and protection of IP.

(c) NUC directing Universities to introduce IP as an essential component of their general studies programmes.

(d) NABTE directing polytechnics to introduce IP as part of their general studies and courses.

(e) NCCE directing Colleges of Education to introduce IP as part of their general studies and courses.

(f) Research institutions are to introduce regular IP training programmes for their researchers.

(g) Universities and research institutions are to strengthen IP teaching, research and training.

(h) Strengthening IP Chairs in universities and other Institutions to provide quality teaching and research.

(i) Universities and research institutions are to formulate and develop their institutional IP policy and strategy.

(j) Provide specialized training on AI and block chain technology as they relate to IP management to IP administrators.

5.9.2 Develop and implement a plan for strengthening the human resource capacity of IP-Related Agencies

To further enhance efforts at capacity building, IP-related agencies should establish specialized training departments in collaboration with professional bodies, organizations, and stakeholders in the IP sector.

5.9.3 Develop and implement a plan to strengthen Nigerian Copyright Academy

The Nigerian Copyright Academy in partnership with other stakeholders should develop and implement a plan to strengthen its capacity to deliver on its training and capacity building mandate for the benefit of the copyright industry.

5.10 Promote IP awareness to stakeholders and the public

These can be achieved through:

(a) Leveraging Digital Platforms for Outreach. Digital platforms such as social media, virtual seminars, and online IP databases have proven effective in increasing IP awareness.

By creating a digital IP awareness hub, the NIPPS could enhance outreach to SMEs, startups, and creators, especially in remote areas.

(b) Public-Private Partnerships (PPP). Many countries have successfully utilized public-private partnerships (PPP) to enhance IP awareness and enforcement. Nigeria should formalize partnerships between government agencies, private sector players, and creative associations to create a coordinated IP outreach strategy, especially for the creative industries and rural inventors.

(c) IP Agencies should prepare outreach and awareness programmes for stakeholders in the intellectual property sector. Furthermore, assistance should be given to research and academic institutions in developing IP policies and establishment of IP management units. Stakeholders should also be encouraged through sensitization training on IP and the use of mass media for IP awareness.

(d) Government at all levels are to collaborate with private entities in the promotion of R&D funding in key sectors including agriculture, technology and renewable energy to drive innovation and IP creation.

5.11 Increased Budgetary Allocation and Alternative Funding

Increased budgetary allocation for IP enforcement and capacity-building programmes should be explored. Furthermore, international grants, development funds, and public-private funding mechanisms for the sustained financing of IP initiatives should be sourced.

CHAPTER 6



IMPLEMENTATION STRUCTURE

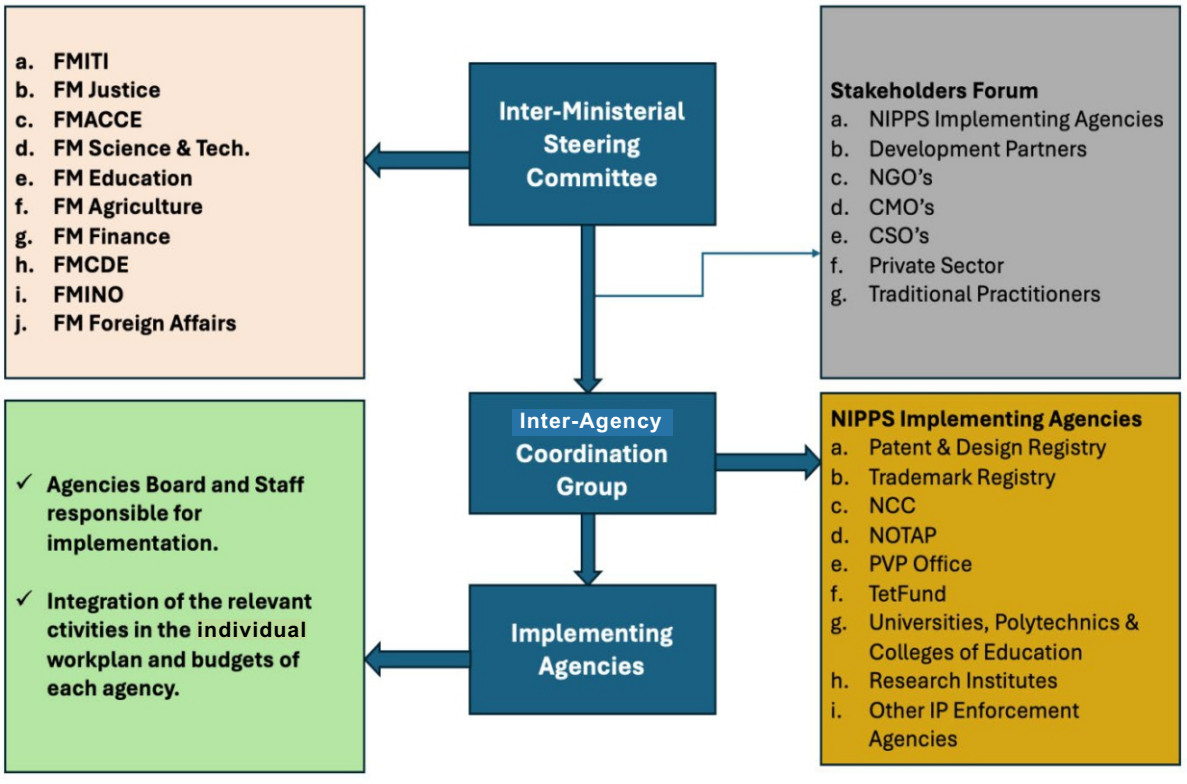
6.1 Introduction

The successful implementation of the National Intellectual Property Policy and Strategy will require multi-layered effective coordination of all the stakeholders involved, creating awareness and publicity on the policy, mobilizing resources to implement the policy, effectively monitoring, and evaluating the progress made and documenting lessons learnt. This Policy may be reviewed after every five years.

6.2 Institutional Framework

The implementation of the IP Policy and Strategy will involve several partners and hence the need for a framework to ensure effective implementation, coordination, and monitoring. The proposed institutional framework will consist of the Inter-Ministerial Steering Committee, Inter-Agency Coordination Group, and teams at the level of Implementing Agencies (Figure 6.1):

Figure 6.1: Proposed structure for the implementation of the National IP Policy and Strategy



6.2.1 Inter-Ministerial Steering Committee

The Inter-Ministerial Steering Committee will consist of Ministries, directly involved in the implementation of the IP Policy and Strategy. These are Ministries of Industry, Trade and Investment; Ministry of Justice; Ministry of Art, Culture and Creative Economy; Ministry of Agriculture and Food Security; Ministry of Science, Technology and Innovation; Ministry of Education; Ministry of Finance; Federal Ministry of Information and National Orientation; Ministry of Communication and Digital Economy; and Federal Ministry of Foreign Affairs. The committee may co-opt any other ministry, where necessary. The main mandate of the committee will be to provide the political oversight of the implementation of the policy and strategy and help in mobilizing the required resources from the government and development partners. This committee will be co-chaired by Ministry of Industry, Trade and Investment and Ministry of Justice.

6.2.2 IP Stakeholders Forum

During the implementation of the policy and strategy, an IP Stakeholders Forum will be established to provide the link between the implementation agencies and the wider IP community in Nigeria. This forum will bring together the Inter-Agency Coordination Group, development partners, Non- Governmental Organisations, Civil Societies, private sector and traditional practitioners. The Forum will provide an opportunity for the Coordination Group to inform stakeholders about the progress of implementation of the strategy but also receive feedback from the stakeholders. The forum will meet annually, and the meeting will be organized by the Coordination Group.

6.2.3 Inter-Agency Coordination Group

This group will be formed from the implementing agencies. All implementing agencies will have a focal person or persons. These persons will form the Inter Agency Coordination Group. The Inter- Agency Coordination Group will be co-chaired by the representative of Ministry of Industry, Trade and Investment and Ministry of Justice and will have a representative from the Ministry of Art, Culture and Creative Economy. The Group will be the technical wing of the steering committee and will coordinate the implementation of the IP Policy and Strategy and reporting to the steering committee.

6.2.4 Agency Implementation

Each Agency will develop their work plans and indicators for monitoring the projects they are undertaking. This may require incorporating the NIPPS activities in their strategic plan and budgets. The monitoring and evaluation will be done quarterly at the Agency level and reports prepared for presentation to the Inter-Agency Coordination Group.

6.3 Communication

Communication will be key in the implementation of the IP Policy and Strategy. This policy and strategy should be widely disseminated. The dissemination will involve several institutions and will take some time. The level of dissemination will include, among others, all institutions that

are involved at each level of coordination of this IP Policy and Strategy. Upon approval of the Policy and Strategy a comprehensive communication strategy will be developed. The communication will cover all stakeholders such as ministries, government agencies, educational institutions, research institutions, other stakeholders, media and the public.

6.4 Resource Mobilization

The implementation of NIPPS will require resources. The resources will be drawn from the Federal, State and Local Governments, development partners, the private sector, and other stakeholders. A resource mobilization strategy will be developed by the Inter-Agency Coordination Group, upon approval of the policy.

CHAPTER 7



MONITORING AND EVALUATION

7.1 Introduction

Monitoring and Evaluation (M&E) are critical components of the National Intellectual Property Policy and Strategy (NIPPS) for Nigeria. This chapter outlines the framework for M&E, emphasizing its importance in tracking the implementation of the policy, assessing its impact, and facilitating necessary adjustments. The M&E framework will be used to monitor progress and communicate the same to the Steering Committee. Each Agency will develop their Monitoring, Evaluation and Learning (MEL) frameworks based on the overall one. By establishing a robust M&E system, stakeholders can identify gaps, ensure accountability, and enhance the effectiveness of the policy through data-driven insights.

7.2 Definition and Purpose:

7.2.1 Monitoring:

Involves the continuous, systematic collection, analysis, and use of data to track the implementation of the IP protection policy. The purpose is to ensure that activities are on track, identify early signs of problems, and make real-time adjustments to improve outcomes.

7.2.2 Evaluation:

Involves the systematic assessment of the policy's effectiveness, efficiency, and overall impact. The purpose is to determine whether the policy is achieving its objectives and to identify lessons learned for future improvements.

7.3 Objectives of Monitoring and Evaluation

The primary objectives of the M&E framework for NIPPS are as follows:

(a) **Track Implementation:** To monitor the progress of the various programs and projects outlined in NIPPS, ensuring that activities are carried out as planned and within the stipulated timelines.

(b) **Assess the impact of NIPPS on Nigeria's IP ecosystem:** To evaluate the outcomes and impacts of the policy on the intellectual property landscape in Nigeria, including economic growth, innovation, and cultural development.

(c) **Identify Gaps:** To identify challenges and gaps in the implementation process, allowing for timely interventions and adjustments to strategies and programs. Identify areas for improvement and adjust the policy accordingly.

(d) **Ensure Accountability:** To hold stakeholders accountable for their roles in the implementation of NIPPS, ensuring that resources are utilized effectively and efficiently.

(e) **Enhance Effectiveness:** To provide data-driven insights that inform decision-making, enabling continuous improvement of the policy and its associated programs.

7.4 M&E Framework

The M&E framework for NIPPS will consist of the following components:

7.4.1 Indicators

Clear and measurable indicators will be established to measure the progress of NIPPS implementation.

These indicators will be based on the above stated policy objectives and strategies and categorised as follows:

(a) **Input Indicators:** Measure the resources allocated to the implementation of NIPPS, including funding, human resources, and infrastructure.

(b) **Output Indicators:** Assess the immediate results of the policy implementation, such as the number of training programs conducted, awareness campaigns launched, understanding of IP rights through surveys and educational campaigns, and legal frameworks developed.

(c) **Outcome Indicators**: Evaluate the medium-term effects of the policy, including changes in the level of IP awareness, the number of IP registrations, and the economic impact of IP commercialization.

(d) **Impact Indicators:** Measure the long-term effects of NIPPS on Nigeria□s socioeconomic development. These include evaluating economic benefits of IP protection, such as revenue generated from IP assets, job creation, and contributions to GDP, as well as innovation capacity, and cultural enrichment.

(e) **Enforcement Actions**: Measuring the number of enforcement actions taken against IP violations, such as raids, seizures, prosecutions, and convictions.

(f) **Compliance Rates**: Monitoring compliance rates with IP laws and regulations among businesses and individuals.

7.4.2 Data Collection

A systematic approach to data collection will be established, utilizing both qualitative and quantitative methods. This will include:

(a) **Surveys and Questionnaires:** To gather information from stakeholders, including government agencies, businesses, creators, innovators, and the public regarding their experiences and perceptions of the IP ecosystem.

(b) **Interviews and Focus Groups:** To gain deeper insights into specific challenges and successes related to the implementation and impact of NIPPS.

(c) **Administrative Data:** To analyse existing records from relevant government agencies, such as IP registrations, enforcement actions, violations, legal outcomes, and training programs.

(d) **Digital Tools**: Utilizing digital platforms and databases to collect, store, and analyse data efficiently.

7.4.3 Data Analysis

The collected data will be analysed to assess the impact of NIPPS and identify areas for improvement.

7.4.4 Reporting

Regular reporting will be essential for transparency and accountability. The M&E framework will include:

(a) **Quarterly Progress Reports**: To provide updates on the implementation status of various programs and projects, highlighting achievements and challenges.

(b) **Annual Evaluation Reports**: To assess the overall impact of NIPPS, including a comprehensive analysis of the indicators and recommendations for future actions.

(c) **Stakeholder Workshops**: To disseminate findings and gather feedback from stakeholders, fostering a collaborative approach to policy refinement.

(d) **Dashboard Updates**: Implementing a real-time dashboard to provide continuous updates on key indicators and emerging trends.

7.4.5 Review and Adaptation

The M&E process will include periodic reviews of the policy and its implementation plan to ensure relevance and responsiveness to emerging IP issues. This will involve:

(a) **Mid-Term Reviews**: Conducted at the halfway point of the policy implementation period to assess progress and make necessary adjustments.

(b) **End-of-Term Evaluation**: A comprehensive evaluation at the conclusion of the policy cycle to assess overall effectiveness and inform future iterations of NIPPS.

7.4.6 Stakeholder Engagement

Engaging stakeholders in the M&E process is crucial for its success. Key stakeholders will include:

(a) **Government Agencies**: Responsible for implementing and overseeing various aspects of NIPPS.

(b) **IP Holders**: Engaging creators, innovators, and businesses that hold IP rights to gather their perspectives and experiences.

(c) **Legal Practitioners**: Collaborating with legal experts and IP attorneys to assess the effectiveness of legal frameworks and enforcement mechanisms.

(d) **Private Sector:** Businesses and entrepreneurs who are directly impacted by IP policies and practices.

(e) **Civil Society Organisations:** Groups advocating for IP awareness and education.

(f) **International Partners:** Organisations such as the World Intellectual Property Organization (WIPO) that provide technical assistance and support.

(g) **Public Participation**: Encouraging public participation through consultations, feedback mechanisms, and awareness campaigns.

7.5 M&E Timeline

The M&E exercise will be conducted on a regular basis, with the following timeline:

(a) Short-term: Every six months, a progress report will be prepared to assess the implementation of NIPPS.

(b) Medium-term: Every two years, a comprehensive evaluation report will be prepared to assess the impact of NIPPS.

(c) Long-term: Every five years, a major review of NIPPS will be conducted to assess its overall effectiveness and make necessary adjustments.

7.6 M&E Responsibilities

The following stakeholders will be responsible for the M&E of NIPPS:

(a) **NIPPS Implementation Committee**: This committee will be responsible for overseeing the M&E exercise and ensuring that it is conducted in a transparent and accountable manner.

(b) **Government Agencies**: Government agencies responsible for IP-related matters will be responsible for providing data and information for the M&E exercise.

(c) **IP Offices:** IP offices will be responsible for providing data and information on IP-related matters.

(d) **Research Institutions:** Research institutions will be responsible for conducting independent evaluations and studies to provide unbiased assessments of the policy's impact.

(e) **Stakeholders**: Participating in data collection, providing feedback, and contributing to the evaluation process.

7.7 M&E Implementation Committee

An M&E implementation committee should be constituted under the coordination of the Inter

Agency Coordination Group (see 6.2.3), with diverse representation of stakeholders drawn from government agencies, legal professionals, private sector, research institutions, and other relevant bodies, ensuring a collaborative and inclusive approach to implementing the National Intellectual Property Policy and Strategy for Nigeria.

7.8 Resource Allocation:

(a) **Financial Resources**: Securing funding for M&E activities, including personnel, tools, and training.

(b) **Human Resources**: Assigning dedicated staff with expertise in M&E, data analysis, and IP protection.

(c) **Technical Resources**: Investing in digital platforms, databases, and analytical tools to support efficient data collection and analysis.

7.9 Challenges and Solutions

This section presents the likely challenges that may hinder effective M&E of the NIPPS and the solutions to addressing these challenges:

(a) **Inadequate data collection systems and infrastructure:**

Solution: Establish a centralized data management system and provide training on data collection and analysis.

(b) **Insufficient funding for monitoring and evaluation activities:**

***Solution*:** Government, at all levels, and other critical stakeholders should have dedicated funds for monitoring and evaluation. Partnerships with international organizations should also be explored. A resource mobilization strategy should be developed by the Inter-Agency Coordination Group.

(c) **Limited human capacity and expertise in M&E**:

Solution: Provide training and capacity-building programs for stakeholders and engage experienced consultants.

(d) **Low public awareness of intellectual property (IP) rights:**

Solution: Form a strategic partnership with ministries and agencies that directly engage with investors in sectors reliant on IP. Ensure that IP awareness and protection are integrated into industry-specific practices.

(e) **Poor coordination among stakeholders:**

***Solution*:** Establish an implementation/coordination committee, and schedule regular meetings to ensure collaboration.

(f) **Insufficient political support:**

***Solution*:** Engage with policymakers and demonstrate the benefits of effective monitoring and evaluation.

(g) **Cultural and language barriers as hindrance to data collection**:

***Solution*:** Use local languages and engage with local communities to ensure inclusivity.

(h) **Weak legal frameworks hindering enforcement**:

Solution: Strengthen legal frameworks and ensure effective enforcement mechanisms.

(i) **Low public awareness of intellectual property rights**:

Solution: Conduct public awareness campaigns and engage with educational institutions.

(j) **Limited access to technology:**

Solution: Invest in technology infrastructure and provide training on digital tools.

(k) **Corruption hindering effectiveness:**

***Solution*:** Establish accountability mechanisms and ensure transparency in monitoring and evaluation processes.

(l) **Security challenges hindering data collection:**

Solution: Engage with security agencies and develop strategies to mitigate risks.

(m) **Brain drain:** Emigration of skilled professionals.

Solution: Offer competitive incentives and engage with diaspora communities.

7.10 Conclusion

The Monitoring and Evaluation framework for the National Intellectual Property Policy and Strategy (NIPPS) is designed to ensure that the policy achieves its vision of utilizing intellectual property for sustainable economic prosperity in Nigeria. By systematically tracking implementation, assessing impact, and engaging stakeholders, the M&E framework will provide the necessary insights to enhance the effectiveness of NIPPS and contribute to the overall socio-cultural development and economic growth of the nation. Through continuous learning and adaptation, Nigeria can harness the full potential of its intellectual property assets for the benefit of all citizens.

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