

**AN OVERVIEW OF INTELLECTUAL PROPERTY AND ITS LEGAL FRAMEWORK  
IN NIGERIA\***

**Abstract**

*An understanding of these three distinct themes will help to better or aid ones understanding of the operational framework of this interesting contemporary area of Law. On the one breath, we have 'Intellectual Property (IP)' which is perceived as a set of intangible assets owned and legally protected. Intangible assets are inventions of the mind, innovations, literary and artistic work, symbols, names, and images used in commerce. On another breath, we have 'Intellectual property rights (IPR)' which is any and all rights associated with intangible assets owned by a person or company and protected against use without consent. Then on the last breath, we have the Intellectual Property Laws (IPL) in other words the legal frameworks or the legal parameters within which Intellectual property functions. The above three themes are the core of this area of law. The originality and ownership of intangible assets needs and requires protection; therefore, this paper explored the Meaning, Nature, Scope and Legal frameworks of IP in Nigeria, and found that this often ignored area of law needs to be developed in Nigeria due to the alarming low level of jurisprudence developed in it thus far compared to other areas of law despite its contemporary nature. The recommendations made will help to cushion its developmental process. We employed doctrinal method to compose the descriptive and detailed analysis of legal rules therein. The work is divided into sections of eight (8) sub-main titles.*

**Keywords:** copyright, intangible assets, intellectual property, invention, patent, tangible assets,

**1. Introduction**

Intellectual property (IP) pertains to any original creation of the human intellect such as artistic, literary, technical, or scientific creation. Intellectual property rights (IPR) refers to the legal rights given to the inventor or creator to protect his invention or creation for a certain period of time.<sup>1</sup> These legal rights confer an exclusive right to the inventor/creator or his assignee to fully utilize his invention/creation for a given period of time. It is very well settled that IP play a vital role in the modern economy. It has also been conclusively established that the intellectual labor associated with the innovation should be given due importance so that public good emanates from it. There has been a quantum jump in research and development (R&D) costs with an associated jump in investments required for putting a new technology in the market place.<sup>2</sup> The stakes of the developers of technology have become very high, and hence, the need to protect the knowledge from unlawful use has become expedient, at least for a period, that would ensure recovery of the R&D and other associated costs and adequate profits for continuous investments in R&D.<sup>3</sup> IPR is

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<sup>1</sup> Singh R., Law relating to intellectual property ,(A complete comprehensive material on intellectual property covering acts, rules, conventions, treaties, agreements, case-Law and much more) Vol. 1. , Universal Law Publishing Co. Pvt. Ltd New Delhi, 2004<<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3217699/>> assessed 26 June 2023

<sup>2</sup> New Delhi: Department of Science and Technology (DST), Government of India; Anonymous. Research and development statistics,2002, <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3217699/>> assessed 26 June 2023

<sup>3</sup> New Delhi: Department of Scientific and Industrial Research, Government of India; 2002. Anonymous. *Research and development in industry: An overview.*<<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3217699/>> assessed 26 June 2023

a strong tool, to protect investments, time, money, effort invested by the inventor/creator of an IP, since it grants the inventor/creator an exclusive right for a certain period of time for use of his invention/creation. Thus IPR, in this way aids the economic development of a country by promoting healthy competition and encouraging industrial development and economic growth. Present review furnishes a brief overview of IPR with special emphasis on pharmaceuticals.

## 2. Definition of Terms

**Copyright:** Copyright is the right of an author of a creative work to prevent others from copying that work. Creative works include computer code, brochures, manuals, web pages, books, songs, movies, and blog posts. Copyright lasts for the life of the author plus 70. Copyright is about the expression of an idea, not the idea itself. For example, if I invent cold fusion and write about it, copyright stops others from reproducing the article but does not stop them from making the invention I describe. A patent would stop others from making the invention.<sup>4</sup>

**Moral Rights:** Moral rights are related to copyright. A moral right is the right of the author of a work to be identified as the author. It is also to ensure the author's reputation is not diminished by the use of the work. While copyright can be assigned, moral rights can only be waived. Moral right waivers should be included as a matter of course in all agreements with any person providing any creative work, whether it is images, text, or computer code. They should also be included in employment contracts. Moral rights are not often litigated, but not getting them waived can cause roadblocks for many types of transactions.<sup>5</sup>

**Trademarks:** Trademarks originated in marks put on ancient pottery to identify the artisan. They are used to indicate both the source and quality of the merchandise. Consider the image that comes to mind when seeing well-known trademarks such as Tim Horton's, Apple, or Jaguar. Trademark registrations last for 10 years but can be renewed every 10 years. Trademarks can be a word, a phrase, a design, and even things such as sounds and scents. Limited common law trademark protection is available without registration. Registering a trademark gives better protection, and makes enforcement easier. Registration is obtained on a country-by-country basis. So, if a business' market includes the United States or other countries, trademark protection should be obtained there as well.<sup>6</sup>

**Patents:** A patent is the exclusive right to make or sell an invention. Patents apply to a new and useful art, process, machine, manufacture, or composition of matter. It must be novel, non-obvious, and have real-world value. Patents last for 20 years. Once the subject of the patent is disclosed to the public, it is not possible to obtain patent protection. In Canada and the U.S., there is a one-year grace period, which is not the case in other countries.<sup>7</sup>

**Registered Industrial Designs:** These are called design patents in the United States. They protect design elements of a product that are unrelated to its function. Such as swirls on a bottle, or a unique grill design for a car. Registered industrial designs last for 10 years and can't be renewed. But some designs can also be protected as trademarks. So, in the right circumstances, an expiring industrial design can continue to get protection as a trademark. Registering as an industrial design first, and a trademark after can be a way to show the acquired distinctiveness needed to register some forms

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<sup>4</sup> Harrison Pensa, 6 important types of intellectual property, 2022 <<https://www.harrisonpensa.com/6-important-types-of-intellectual-property/>>assessed 26 June 2023

<sup>5</sup> ibid

<sup>6</sup> ibid

<sup>7</sup> ibid

of design trademarks.<sup>8</sup>

**Trade Secrets:** A trade secret is a simple concept. Don't tell anyone the details and treat it as confidential. To get protection as a trade secret one must be able to demonstrate that intent and show the steps taken to keep it confidential. Trade secrets are useful for anything that can't easily be reverse engineered, such as the formula for Coca-Cola or Kentucky Fried Chicken.<sup>9</sup>

### **3. Brief Historical Background**

The division of property as movable and immovable, if it is tangible, was known in Roman law and has been adopted by modern Civil Codes. This kind of classification is also provided under art, 1226 of the Civil Code. However, "as a result of the industrial revolution and the rapid development made in the fields of science, technology and culture, new kinds of property came into existence". New rights and properties like patents, copyright and industrial designs, which came to be known as Intellectual Property Rights (IPRs) received attention due to their unique characteristics. The laws and administrative procedures relating to IPR have their roots in Europe. The trend of granting patents started in the fourteenth century. In comparison to other European countries, in some matters England was technologically advanced and used to attract artisans from elsewhere, on special terms. The first known copyrights appeared in Italy. Venice can be considered the cradle of IP system as most legal thinking in this area was done here; laws and systems were made here for the first time in the world, and other countries followed in due course.<sup>10</sup> Patent act in India is more than 150 years old. The inaugural one is the 1856 Act, which is based on the British patent system and it has provided the patent term of 14 years followed by numerous acts and amendments.<sup>11</sup> The convention establishing the World Intellectual Property Organisation (WIPO) was signed in Stockholm in 1967 and entered into force in 1970. However, the origin of WIPO goes back to 1883- the Paris Convention on industrial property and 1886- the Berne Convention on copyright. Both were placed under the supervision of the Swiss Federal Government. Initially there were two secretaries (one for industrial property, and other for copyright). However, in 1893 the two secretaries united. United International Bureaux for the Protection of IP (BIRPI) became WIPO.<sup>12</sup>

### **4. Meaning of Intellectual Property**

Defining intellectual property rights is difficult because globalization, technology, and IP laws are constantly changing. In general, intellectual property is a concept that consists of a grouping of rights designed to protect the ownership of patents, trademarks, inventions, and works of art and literature

Intellectual Property can be defined as inventions of the mind, innovations, literary and artistic work, symbols, names and images used in commerce. The objective of intellectual property protection is to encourage the creativity of the human mind for the benefit of all and to ensure that

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<sup>8</sup> ibid

<sup>9</sup> ibid

<sup>10</sup> Bainbridge DI, Intellectual property, New York: Longman; 2002 <<https://www.abysinnialaw.com/study-on-line/388-intellectual-property-law/7338-concept-scope-and-nature-of-intellectual-property-rights>> assessed 24 June 2023

<sup>11</sup> Chandra Nath Saha & Sanjib Bhattacharya, Intellectual property rights: An overview and implications in pharmaceutical industry, Journal of Advanced Pharmaceutical Technology and Research, [2011], V.2(2) 88-93

<sup>12</sup> Abysinnialaw, Concept, Scope and Nature of Intellectual Property Rights, <<https://www.abysinnialaw.com/study-on-line/388-intellectual-property-law/7338-concept-scope-and-nature-of-intellectual-property-rights>> assessed 24 June 2023

the benefits arising from exploiting a creation benefit the creator. This will encourage creative activity and give investors a reasonable return on their investment in research and development. IP empowers individuals, enterprises, or other entities to exclude others from the use of their creations. Intellectual Property empowers individuals, enterprises, or other entities to exclude others from the use of their creations without their consent.

According to Article 2 of the WIPO (World Intellectual Property Organisation) – Central Organisation for the protection of Intellectual Property Laws and the expert organization of the UN, “Intellectual Property shall include the rights relating to literary, artistic and scientific works, inventions in all fields of human endeavor, scientific discoveries, industrial designs, trademarks, service marks and commercial names and designations, protection against unfair competition, and all the other rights resulting from intellectual activity in the industrial, scientific, literary or scientific fields.”<sup>13</sup>

#### **4.1. Meaning of Intellectual Property Right.**

The intellectual property right is a kind of legal right that protects a person’s artistic works, literary works, inventions or discoveries or a symbol or design for a specific period of time. Intellectual property owners are given certain rights by which they can enjoy their Property without any disturbances and prevent others from using them, although these rights are also called monopoly rights of exploitation, they are limited in geographical range, time and scope.

As a result, intellectual property rights can have a direct and substantial impact on industry and business, as the owners of IPRs one can enforce such rights and can stop the manufacture, use, or sale of a product to the public. IP protection encourages publication, distribution, and disclosure of the creation to the public, rather than keeping it as a secret and to encourage commercial enterprises to select creative works for exploitation.<sup>14</sup>

### **5. Nature of Intellectual Property**

**Intangible Rights over Tangible Property:** The main Property that distinguishes IP from other forms of Property is its intangibility. While there are many important differences between different forms of IP, one factor they share is that they establish property protection over intangible things such as ideas, inventions, signs and information whereas intangible assets and close relationships are a tangible object. In which they are embedded. It allows creators or owners to benefit from their works when they are used commercially.<sup>15</sup>

**Right to Sue:** In the language of the law, IP is an asset that can be owned and dealt with. Most forms of IP are contested in rights of action that are enforced only by legal action and by those who have rights. IP is a property right and can, therefore, be inherited, bought, gifted, sold, licensed, entrusted or pledged. The holder of an IPR owner has a type of Property that he can use the way he likes subject to certain conditions and takes legal action against the person who without his consent used his invention and can receive compensation against real Property.<sup>16</sup>

**Rights and Duties:** IP gives rise not only to property rights but also duties. The owner of the IP

<sup>13</sup> ibid

<sup>14</sup> ibid

<sup>15</sup> Shubhangi Sharma, All you want to know about Intellectual Property, 2019 <<https://blog.ipleaders.in/ipr-description/>> assessed 24 June 2023

<sup>16</sup> ibid

has the right to perform certain functions in relation to his work/product. He has the exclusive right to produce the work, make copies of the work, market work, etc. There is also a negative right to prevent third parties from exercising their statutory rights.<sup>17</sup>

**Coexistence of different rights:** Different types of IPRs can co-exist in relation to a particular function. For example, an invention may be patented, and the invention photograph may be copyrighted. A design can be protected under the Design Act, and the design can also be incorporated into a trademark. There are many similarities and differences between the various rights that can exist together in IP. For example, there are common grounds between patent and industrial design; Copyright and neighboring rights, trademarks and geographical indications, and so on. Some intellectual property rights are positive rights; the rest of them are negative rights.<sup>18</sup>

**Exhaustion of rights:** Intellectual property rights are generally subject to the doctrine of exhaustion. Exhaustion basically means that after the first sale by the right holder or by its exhaustion authority, his right ceases and he is not entitled to stop further movement of the goods. Thus, once an IP rights holder has sold a physical product to which IPRs are attached, it cannot prevent subsequent resale of that product. The right terminates with the first consent. This principle is based on the concept of free movement of goods which is in force by consent or right of the rights holder. The exclusive right to sell goods cannot be exercised twice in relation to the same goods. The right to restrict further movements has expired as the right holder has already earned his share by the act of placing goods for the first sale in the market.<sup>19</sup>

**Dynamism:** IPR is in the process of continuous development. As technology is rapidly evolving in all areas of human activities, the field of IP is also growing. As per the requirement of scientific and technological progress, new items are being added to the scope of IPR, and the scope of its preservation is being expanded. Bio Patents, Software Copyrights, Plant Diversity Protection, these are few names which reflect contemporary developments in the field of IPR. The importance of intellectual property and its mobility is well established and reflected at all levels, including statutory, administrative and judicial.<sup>20</sup>

## **6. Scope of Intellectual Property Right**

The scope of intellectual property rights is quite broad, consisting of many aspects, yet an area of law that has not been fully explored by a nation like Nigeria.<sup>21</sup> Intellectual property rights include copyright, patent, trademark, geographic indication of origin, industrial design, trade secrets, database protection laws, publicity rights laws, laws for the protection of plant varieties, laws for the protection of semi-conductor chips (which store information for later retrieval), etc.

There is a conventional mode of classification of intellectual property as industrial property and copyrights. Industrial properties include inventions (patent), property interest on minor invention (Utility model certificate) and commercial interests (Trade Marks, trade names, geographical indications, and industrial design), plant breeder rights, biodiversity, etc.

### **Patents**

A patent is a type of intellectual property right which allows the holder of the right to exclusively

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<sup>17</sup> ibid

<sup>18</sup> ibid

<sup>19</sup> ibid

<sup>20</sup> ibid

<sup>21</sup> C.C. Nwabachili, Intellectual Property law and Practice in Nigeria, Malthouse Press Ltd, Lagos, 2016 edu, p.1

make use of and sale an invention when one develops an invention. Invention is a new process, machine, manufacture, composition of matter. It is not an obvious derivation of the prior art (It should involve an inventive step). A person who has got a patent right has an exclusive right. The exclusive right is a true monopoly but its grant involves an administrative process.<sup>22</sup>

### **Copyright**

It is an intellectual property which does not essentially grant an exclusive right over an idea but the expressions of ideas which makes it different from patent law. Patent is related with invention - technical solution to technical problems. Copyright is a field which has gone with artistic, literary creativity- creativity in scientific works, audio-visual works, musical works, software and others. There are neighboring rights. These are different from copyright but related with it – performers in a theatre, dancers, actors, broadcasters, producers of sound recorders, etc. It protects not ideas but expressions of ideas as opposed to patent. Copyright protects original expression of ideas, the ways the works are done; the language used, etc. It applies for all copyrightable works. Copyright lasts for a longer period of time. The practice is life of author plus 50 years after his/her life. Administrative procedures are not required, unlike patent laws, in most laws but in America depositing the work was necessary and was certified thereon but now it is abolished.<sup>23</sup>

### **Industrial Design Law**

Some call this design right (European) and some call it patentable design, industrial design (WIPO and other international organization). A design is a kind of intellectual property which gives an exclusive right to a person who has created a novel appearance of a product. It deals with appearance: how they look like. Appearance is important because consumers are interested in the outer appearance of a product. It is exclusively concerned with appearance, not quality. The principles which have been utilized in developing industrial design law are from experiences of patent and copyright laws. It shares copyright laws because the design is artistic. It shares patent law because there are scientific considerations. Design law subsists in a work upon registration and communication. It makes them close to patent law since they are also founded in patent law. Duration is most of the time 20 years like the patent law trademark Rights law.<sup>24</sup>

### **Trademarks Rights Law**

It is a regime of the law giving protection to graphic representation to words or logos or depending on the jurisdiction question such as sound or smells which are distinctive in nature and serve as source identification. There is also a recent phenomenon which is representing goods in their smell and sound. It is to be found on the goods associated with them. It enables the customer to identify the goods from others. They serve as a source identifier. Trademarks perform communication function. Once there is a valid representation, it gives the mark owner an exclusive right. It begins with registration and publication of the mark. But there are exceptions which serve what trademarks registered serve which are not registered. It means they deserve protection even though they are not registered. They exist forever so long as the good with which they are associated continue to be sold. But they require renewal.<sup>25</sup>

<sup>22</sup> Shubhangi Sharma, All you want to know about Intellectual Property,2019, <<https://blog.ipleaders.in/ipr-description/>>assessed 26 June 2023.

<sup>23</sup> ibid

<sup>24</sup> ibid

<sup>25</sup> ibid

### **Right of Publicity**

It protects the right to use one's own name or likeness for commercial purposes.<sup>26</sup>

### **Geographic Indication**

It is indications on products of the geographic origin of the goods. It indicates the general source. The indication relates to the quality or reputation or other characteristics of the good. For example, "made in Ethiopia" is not influenced by the geographical Indication. Geographical indications are sometimes called appellations of origin. For example, "Sheno lega", "Shampagne" (name of a region in France) are geographical indications.<sup>27</sup>

### **Trade Secrets**

It gives the owner of commercial information that provides a competitive edge the right to keep others from using such information if the information was improperly disclosed to or acquired by a competitor and the owner of the information took reasonable precautions to keep it secret. It protects confidential secrets of some commercial value. The holder of the secret wants this information to be protected; some protect the holder from an unauthorized disclosure of the information. A tort law, unfair competition or contract law can protect such information which is secret /confidential information/. The holder (owner) has to do his/her best to keep the information secret. Trade secrets exist without registration as it is to make the information public, for example, the formula of Coca Cola. Information that are protected in trade secrets can be patentable if they are novel and non-obvious. But it is, most of the time, not to make the secret public. However, their full-fledged IP rights are contestable.<sup>28</sup>

## **7. Legal Frameworks**

Legal framework is a broad system of rules that governs and regulates decision making, agreements, laws etc. It is a body of domestic and international laws that apply in a particular country, which give structure to the relationship between the state and the population and define the parameters for legal conduct.<sup>29</sup>

The following laws and rules govern intellectual property and technology space in the country:

1. The Constitution
2. Patents and Designs Act
3. The National Information Technology Development Agency Act
4. The WIPO Convention
5. Companies and Allied Matters Act
6. Federal Competition and Consumers Protection Act
7. Nigerian Communication Act
8. Judicial Decisions
9. Anti-Competition laws and trade secret laws (eg the Nigerian Freedom of information act, 2011, official secrets act, 1962)

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<sup>26</sup> *ibid*

<sup>27</sup> *ibid*

<sup>28</sup> *ibid*

<sup>29</sup> Peters Ifeoma, Legal Framework for Intellectual Property Law and Tech Law in Nigeria, 2022 <Legal Framework for Intellectual Property Law and Tech Law in Nigeria - Dnl Legal and Style> accessed 18<sup>th</sup> July, 2022

10. Nigerian Copyright Act 2004, Cap 28 laws of the Federation of Nigeria
11. Copyright (Video Rental) Regulations 1999
12. Copyright (Security Devices) Regulations 1999
13. Copyright (Optical Disc Plants) Regulations 2006
14. Copyright (Collective Management Organization) Regulations 2007
15. Appointment of Copyright Inspectors Notice, and Copyright (levy on Materials) order 2013.
16. Parents and designs act 1970, cap 344 laws of the federation of Nigeria (PDA)
17. National office for technology acquisition and promotion act (NOTAP Act) cap. N62 LFN 2004
18. Trade Marks Act, Cap T 13, laws of the Federation of Nigeria 2004(TMA)
19. Trade Mark Regulations of 1990. The merchandise marks act, CAPM10
20. Laws of the Federation of Nigeria, 2004 (the Merchandise Marks Act)
21. The Trade mark malpractices (miscellaneous offences) Act CAP12LFN 2004.
22. The counterfeit and fake drugs and unwholesome processed foods (Miscellaneous provisions) Act and the cybercrimes (prohibitive, processed) Act 2015.

### 1. The Constitution<sup>30</sup>

Section 18(2) of the Constitution provides that:

the government shall promote science and technology

Fundamental Objective and Directive Principles of State Policy are guidelines or principles given to the institutes for governing the country and are provided in Chapter II of the Nigerian Constitution. They are not enforceable by any court of law but the principles laid down there are considered fundamental in the governance of the country. The non-justifiability of these principles is a major drawback to the promotion of technological advancement in the country.

### 2. Patents and Designs Act<sup>31</sup>

This protection is of tremendous importance to technicians and technologists, to computer engineers and telecommunication engineers. The lifespan of a patent lasts for 20 (twenty) years provided the annual renewal fees are paid for the duration of its potential life. *Section 1 of the Patents and Designs Act* sets out the requirement of a patentable invention (a) if it is new, results from inventive activity and is capable of industrial application; or (b) if it constitutes an improvement upon a talented invention and also is new, results from inventive activity and is capable of industrial application.

One of the benefits of patenting one's invention is that it helps to create market monopoly over that invention thereby providing the company the avenue to build its brand, attract customer confidence in the product and simultaneously increases the income/profit margins of the company.

### 3. The National Information Technology Development Agency Act<sup>32</sup>

It is the enabling law that creates the framework for the planning, research, development, standardization, application, coordination, monitoring, evaluation and regulation of Information Technology services in Nigeria. This is done by developing standards, guidelines, and regulations

<sup>30</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended)

<sup>31</sup> CAP P2 LFN, 2004

<sup>32</sup> NITDA Act CAP N156 LFN, 2004



for that purpose. *Section 1* of the Act established a body known as National Information Technology Development Agency (NITDA). The agency is vested with varied powers so as to regulate all Information Technology practices in Nigeria.<sup>33</sup>

#### **4. The WIPO Convention<sup>34</sup>**

The WIPO Convention is the constituent instrument of the World Intellectual Property Organization (WIPO), was signed at Stockholm on July 14, 1967, came into force in 1970 and was amended in 1979. WIPO Convention birthed the World Intellectual Property Organization which in 1974 became one of the specialized agencies of the United Nations System.

Its origin dates back to 1883 and 1886 when the Paris Convention for the Protection of Industrial Property and the Berne Convention for the Protection of Literary and Artistic Works provided for the establishment of an ‘‘International Bureau’’. The two bureaus were united in 1893 and, in 1970, were replaced by the World Intellectual Property Organization, by virtue of the WIPO Convention. Nigeria became a proportion in relation to a whole (WIPO) in 2005. In December 2017, the WIPO Director General and the Permanent Representative of Nigeria to the United Nations and other International Organizations in Geneva, signed the agreement established the WIPO Nigeria Office (WNO). Its office is currently located within the United Nations House in Abuja, Nigeria’s Federal Capital Territory. The office which is staffed by responsive professionals dedicated to providing high quality information, assistance and services to stakeholders.<sup>35</sup>

#### **5. Companies and Allied Matters Act<sup>36</sup>**

Micro, Small and Medium Enterprises, MSMEs are the backbone of the Nigerian economy, the sector contributes to job creation and skill development, industrial diversification, exports and helps to stimulate the economy. It can also improve local technology, output diversification and development of indigenous entrepreneurship. A company may be formed by two or more persons complying with the requirements of CAMA in respect of registration of the company.<sup>37</sup>

A company once registered becomes a corporate body and a legal personality. It can own, dispose of, and own movable and immovable property. A company has the right to protect its inventions product of labour from being unlawfully annexed.

#### **6. Federal Competition and Consumers Protection Act<sup>38</sup>**

The Federal Competition and Consumers Protection Commission is the highest competition regulator in Nigeria, a creation of its enabling law. *Section 17(a)* of the Act empowers the commission to administer and enforce provisions of every Nigerian law with respect to competition and protection of consumers.

The Federal Competition and Consumer Protection Commission (FCCPC) have partnered with National Information Technology Development Agency (NITDA) in tackling increasing data

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<sup>33</sup> Section 6 NITDA Act CAP N156 LFN, 2004

<sup>34</sup> 28 September, 1979 (as amended)

<sup>35</sup> About the WIPO Nigeria Office <https://www.wipo.int/about-wipo/en/offices/nigeria/about>.

<sup>36</sup> CAMA, 2020

<sup>37</sup> CAMA 2020, Section 18

<sup>38</sup> FCCP Act, 2019

privacy abuse by technological inventors within the space. It can also regulate the level of competition that exist between technological experts so as to leave the domain a healthy one for stakeholders to thrive.

### **7. Nigerian Communication Act.<sup>39</sup>**

The Nigerian Communication Commission is a creation of the Act. The Information and Communication age has seen data exchange become a common feature and integral part of commercial transaction. It has become imperative to regulate how that vast amount of personally identifiable data is managed. For instance, the Google-owned YouTube's algorithm feeds off personal data (e.g. user information, likes, searches, etc.) to suggest what video users may like or find interesting.<sup>40</sup>

Inventions of Information and Communication Technology (ICT) companies in their business approach to boost development across all sectors of the Nigerian economy must be protected by law. Its ideas and creations especially should be protected by law as well the protection of the target consumers.

### **8. Conclusion**

This is clearly an interesting area of law that requires a more robust positive exploration. There should be protection and reward for original invention, innovation and hard work as a whole. This area of law offers such needed protection. However, our findings would suggest that the level of jurisprudence developed in this area of law in Nigeria is quite low when compared to other contemporary areas of law such as the civil law, criminal law, Company Law et al. It is either that most inventors are not aware that this area of exists or that they do not believe in the process of its exploration.

Going by the contemporary development or advancement in this area of law, its legal and institutional frameworks need to be strengthened with a view to guarantee the protection, enforcement and adequate remedy on infringed property rights.

More so, it is significantly imperative to note that in the advancement of the proposition on intellectual property, it has become necessary to critically evaluate or have a review of the applicable extant laws on Intellectual property so as to align it with the emerging global technological advancement like the Artificial Intelligence and all that. By so doing, we can reassure inventors that the law would always protect the originality of their works, and that would in turn promote competitiveness and equally impact positively on the Economy.

Then again, there should be a way of creating awareness of this area of law for the knowledge of the inventors to enable them explores it in the event of any breach or poaching of their works without their consent.

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<sup>39</sup> CAP N97 Vol 10 FN 2004

<sup>40</sup> Francis Ololuo, 'Data Privacy and Protection under the Nigerian Law' (S.P.A Ajibade 12<sup>th</sup> July, 2020) < <https://spaajibade.com/data-privacy-and-protection-under-the-nigerian-law-francis-ololuo/> >accessed 30<sup>th</sup> August, 2022