LEGAL REGIME OF INTELLECTUAL PROPERTY RIGHTS PROTECTION

IN NIGERIA: AN APPRAISAL

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ABSTRACT

Intellectual property rights protection has become a topic of public discourse due to its socio-economic importance to the world economy. It offers a lot of incentives for developing economies like Nigeria; but the absence of infrastructural facilities, poor leadership and political instability in the country poses a great challenge. Though Nigeria has assumed a position of prominence due its strategic importance in Africa in particular and the world at large, one area that it would explore huge investment is the area of intellectual property. The paper observed that more than fifty years after independence, Nigeria is still grappling to harmonise its intellectual property laws to meet international best practice, in spite of numerous institutional mechanisms put in place. It argued that for Nigeria to attract and benefit from foreign direct investment (FDI), it must provide an enabling environment for intellectual property to thrive. The paper concluded by making observations and proffering recommendations.

KEYWORDS: Legal Regime of Intellectual Property Rights, Socio-economic, Poor Leadership and Political Instability

INTRODUCTION

The paper focuses on institutional framework for intellectual property right protection in Nigeria. Nigeria has become a place of interest for the world in view of its strategic importance. Though the country has recorded an enormous in-flow of investment in the past decade, there is however palpable set-backs that still impede economic development. Some of these include: political instability, poor leadership, brain drain, lack of advanced technology, low level of education, and infrastructure. One area through which the country can explore huge investment opportunities is intellectual property rights development and protection, as this would result in increased revenue. It is highly regrettable that after decades of independence, Nigeria is yet to make any significant change in its intellectual property laws, which have largely remained outdated.1

Generally, intellectual property law aims at protecting the application of ideas and information that are of commercial value,2 and these include copyright, trademarks, patents, etc. Hence, it requires policy consideration that would promote investment in innovation and creativity for the sustenance of a viable economy. The imperative of intellectual property law reform is strong for the realisation of domestic developmental needs and goals, and for compliance with

Recent studies have shown that globalisation and information technology revolution have pushed the demand for intellectual property protection beyond the borders of sovereign nations. While developed countries complain about rampant intellectual property piracy and counterfeiting in developing countries; many developing countries complain that lots of copyrights and patents emanating from the developed world are unauthorised exploitation of their traditional knowledge and folklore. The inability of the law to link intellectual property with the domestic economy, technological and cultural environment has weakened the functional utility of intellectual property in fulfilling its acclaimed role of contributing to economic development.

Government economic policy should therefore favour and place priority on greater industrialisation, research and development; and in patents rights protection. The challenges confronting developing countries are to chart a course that will optimise their development potentials and improve their economies at minimal cost and with far less disruptions, notwithstanding their relative isolation, heterogeneous populations and susceptibility to natural and environmental factors can easily be converted into strength by embracing the digital age and by wisely choosing from the beneficial aspects of globalisation.

Institutional and policy considerations are essential elements that will help foreign investors in deciding whether or not to invest in Nigeria. Therefore, a favourable policy framework and strong institutions that can help support foreign direct investment (FDI) is a necessary tool for Nigeria, if it is willing to attract and enjoy the benefit of FDI, and achieve its current development blueprint, vision 20:2020, that was initiated and intended to elevate Nigeria to the league of the twenty largest economies in the world by the year 2020.

The paper examines the history of intellectual property law, legislation affecting intellectual property laws, and the administration of intellectual property in Nigeria. The paper also examines research and development gaps and concludes by making some observations and proffering recommendations.

**History of Intellectual Property Law in Nigeria**

The historical evolution of intellectual property law in Nigeria predates the Nigerian nation. The history though traceable to the British colonialists, evolved at different times depending on the prevailing circumstance at that time. Therefore, for the purpose of this study, this paper will briefly discuss the history of copyright, trademarks and patents independently.

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4 Adewopo, op cit.
5 Ibid.
Copyright

The first attempt to provide a legal framework for copyright in Nigeria by the then colonial administration was the extension of the English Copyright Act of 1911 to Nigeria by Order in Council No. 912 of 1912. This Act remained in force in Nigeria until 1970 though repealed and replaced with the Copyright Act of 1956 in its country of origin. Decree No. 61 of 1970 was the first indigenous legal instrument regulating issues relating to copyright in Nigeria. This Decree was promulgated just after the Nigerian civil war ended; but salient provisions in the law did not foresee the rapid socio-economic development, as well as influx of products of advanced technology into the country which made illegal reproduction of works protected by copyright much easier. The consequence of the inadequacy of Decree 61 in protecting creativity and scholarship was high scale piracy that robbed creators, organizations and individuals who helped produce or disseminate creative works as well as the society of potential income.

As a result of increased pressure from artists, authors and creators who are originally the copyright owners, the then Federal Military Government promulgated into law, the Copyright Decree No. 47 of 1988, which now exists as Copyright Act. The Act which has been aptly described as one of the best of its kind, not only created most favourable conditions for actualisation of authors’ potentials through comprehensive protection of creative works, but also incorporated the establishment of a machinery for the administration of copyright and neighbouring rights matters in Nigeria, i.e. Nigerian Copyright Commission.

The Nigerian Copyright Act was amended twice by the Copyright (Amendment) Decree (No. 98) of 1992 and Copyright (Amendment) Decree (No. 42) of 1999 respectively. The justification for the establishment of the Commission and the amendments of the Copyright Act was to adequately carter for the rising national and international responsibilities within the copyright industry as well as the emerging challenges in the sphere of copyright globally. One unique outcome of the 1992 Amendment of the Act was the provision in Section 32A of the said Act for the appointment of Copyright Inspectors with specific powers to enforce the law. The Copyright Act also incorporates the Trade-Related Aspects of Intellectual Property Rights (TRIPS) protection for copyrights.

Trademarks

Intellectual property protection relating to trade marks in Nigeria can be traced back to the colonial era when the English Trademarks Act was introduced into the colonies as an Ordinance even before the amalgamation of Northern and Southern Protectorates to form what is now called Nigeria, in 1914. With the amalgamation of the Northern and Southern Protectorates in 1914, the existing statutes applicable to the respective protectorates were repealed by the Supreme Court Ordinance of 1914. This Ordinance also made English Law almost in the same terms with the repealed legislation to be

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13 The Nation, op cit.
14 Ibid.
extended or applicable to the whole Nigeria. The relevant English law comprises of common law, doctrine of equity and statutes of general application, which were Acts of British Parliament enacted on or before 1st January 1900.\(^\text{18}\)

However, the first intellectual property law to be extended to Nigeria was the Trade Marks Promulgation of 1900 which was promulgated by the High Commissioner of the Protectorate of Southern Nigeria. It was an adaptation of the Trade Marks Act of 1888 subsisting in the United Kingdom as at that time. This 1900 promulgation went through series of reviews, repeals and amendments before the present Trade Marks Act was enacted in 1965.\(^\text{19}\)

**Patents and Designs Act**

Like the copyright and trade marks before it, the Nigeria’s patent law is traceable to the British patent regime because of its historical colonial connection with Nigeria. Patent system was first introduced in the former colonies of Lagos and Southern Nigeria by the colonial administration in 1900.\(^\text{20}\) This was later extended to the Northern Nigeria by the Patents Proclamation Ordinance No. 12 of 1902. On the amalgamation of the Northern and Southern Protectorates in 1914, all the existing legislation on patents in the different protectorates were repealed by the Patents Ordinance No. 30 of 1916. This Ordinance was amended in 1925 only as to its title. It became the Registration of United Kingdom (UK) Patents Ordinance No. 6 of 1925.\(^\text{21}\)

It provided for the registration in Nigeria of patents that were already granted in the UK. Thus, an inventor in Nigeria had first to apply to the UK’s Patent Office to be granted a patent for his invention before he could proceed to have it registered in Nigeria. This was the position until Nigeria became independent and subsequently attained a republic status. In view of the inadequacies of the Ordinance, the Nigerian Government enacted the Patents Rights (Limitation) Act No. 8 of 1968 conferring on Nigerian government and its agencies powers and rights similar to those enjoyed by the UK Government under Section 46 of the UK Act of 1949. It was not until 1970 when the Patents and Designs Act No. 60 was promulgated that brought an end to vestige of colonialism in the patent system. The 1970 Act which came into force on the 1\(^\text{st}\) day of December, 1971, repealed the Registration of UK Patents Ordinance of 1925, the UK Designs (Protection) Act, Cap 201, Laws of Nigeria, 1958, the Patents (Limitations) Act 1968 and the UK Patents Act of 1949 in so far as it was in force in Nigeria. The 1970 Act remains the principal legislation regulating patents and designs systems in Nigeria till date.\(^\text{22}\) Currently, the Patent and Designs Act of 1990 is the governing Patent law in Nigeria and prescribes if and whose product may be granted the statutory rights.\(^\text{23}\)

**Legislation Affecting Intellectual Property in Nigeria**

In this era of globalisation, domestic or local legislation alone are not capable of protecting intellectual property rights outside the borders of a country. To protect such rights elsewhere, there is need for supportive international protective regime. This therefore informed the emergence of various international instruments or conventions on intellectual property. However, for the purpose of this study, legislation affecting intellectual property in Nigeria will be divided into international instruments and local legislation. These would be discussed seriatim.

\(^{18}\) M. J. Umaru, op. cit, p.94.  
\(^{19}\) Ibid, p.95.  
\(^{20}\) See Patents Ordinance No.17 of 1900 and the Patent Proclamation Ordinance No.27 of the same year.  
\(^{22}\) Ibid.  
International Instruments

Nigeria, like most countries of the world is a subscriber to international conventions which are intended to set internationally acceptable standards that the domestic legislation on various species of intellectual property must attain as well as to accord intellectual property an international protection.\(^\text{24}\) These include: Rome Convention for the protection of performers, producers of phonograms and broadcasting organisations; and Berne Convention for the protection of literary and artistic works of authors. There is also an agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) affirming the flexibilities available to member states seeking to protect public health.\(^\text{25}\)

Other international instruments include the Paris Convention for the protection of industrial property (such as patents, industrial designs, trademarks, etc). Convention establishing the World Intellectual Property Organisation (WIPO), Universal Copyrights Convention (UCC), WIPO Performances Phonograms Treaty, WIPO Copyright Treaty, etc.\(^\text{26}\)

However, the legitimacy and authenticity of these international instruments (whether they are binding on parties or not) are more often being challenged in some quarters.\(^\text{27}\) It is to be noted that under international law, a treaty once ratified by a state becomes binding on that state to fulfil all the obligations arising under that treaty. This is in line with the principle of ‘\text{pacta sunt servanda}’, which provides that ‘every treaty in force is binding upon the parties to it and must be performed by them in good faith’.\(^\text{28}\)

Therefore, the UN Conventions on intellectual property and the African Regional Intellectual Property Organization (ARIPO) treaties have been incorporated into a body of Nigeria’s domestic law. They are legislation with international flavour containing the bills of rights. The position of international treaties in the body of domestic laws is stated in \text{Abacha V. Fawehinmi},\(^\text{29}\) in the following words “... suffice it to say that an international treaty entered into by the government of Nigeria does not become binding until enacted by the National Assembly.”

It is further stated that:

where the international treaty is enacted into law by the National assembly and incorporated into municipal or domestic law, like the African Charter on Human and Peoples’ Rights (ratification and Enforcement) Act, it becomes binding and our courts must give effect to it like all other laws falling within the judicial powers of the courts.\(^\text{30}\)

The 1999 Constitution of the Federal Republic of Nigeria provides that “before its enactment into law by the National Assembly, an international treaty has no such force of law as to make its provision justiciable in our courts.”\(^\text{31}\)

However, in complementing the work of the WIPO as an international inter-governmental organisation for an effective global intellectual property protection, some International Non-Governmental Organisations (INGOs) like the


\(^{26}\) Ibid, p.7.


\(^{29}\) (2000) 4 SC (Pt 2) 1 at P. 20, (Per Ogundare, JSC).

\(^{30}\) Cap 10, LFN, 1990 (as amended).

\(^{31}\) Section 12.
International Trade Marks Association (INTA), Anti-Counterfeiting Group (ACG), International Anti-Counterfeiting Coalition (IACC), Global Congress on Counterfeiting and Piracy (GCCP), and the International Federation of Phonographic Industries (IFPI) are not left out.

These organisations played very significant roles in the protection and advancement of intellectual property rights. As a leading advocate for the interests of brand owners, INTA works to foster effective trademark laws and policies worldwide and harmonize their implementation.32 The IACC is the world’s largest non-profit organization devoted solely to protecting intellectual property and deterring counterfeiting.33 The GCCP has emerged as the pre-eminent global forum for shaping practical strategies to meet the shared challenges posed by the worldwide problem of counterfeiting and piracy,34 and the IFPI is the organization that represents the interests of the recording industry worldwide.35

Local Legislations

In every country of the world, there is intellectual property local legal regime. One of the local legislation affecting intellectual property in Nigeria is the Constitution of the Federal Republic of Nigeria, 1999. It is the supreme law of the land and therefore superior to all other laws in the country. Its provision on any subject matter overrides the provision of any other law on the same subject. Copyright, patent, industrial designs, trade/business names, trademarks and merchandise marks are items on the exclusive legislative list.36

It is to be noted that the National Assembly (to the exclusion of the State Houses of Assembly) has sole legislative power to enact, amend and repeal laws pertaining to above mentioned areas. The National Assembly is currently undergoing a review of the Nation’s intellectual property laws with a view to bringing the laws into conformity with universal standard in view of Nigeria’s obligations under various International Treaties.37

Beside the Constitution, intellectual property is regulated by five main local statutes. These are: Copyright Act, Patent and Designs Act, Trade Marks Act, Merchandise Marks Act, and Companies and Allied Matters Act. While Copyright Act regulates literary, musical, artistic works, cinematograph films, sound recordings and broadcast,38 inventions and industrial designs are governed by the Patent and Designs Act. Similarly, trademarks are protected by Trade Marks Act, while business names are taken care of by Part B of Company and Allied Matters Act CAMA.39

Other legislation affecting intellectual property in Nigeria is the common law which takes care of certain aspects of intellectual property rights like passing off relating to unregistered trademarks, unfair competition and disclosure of

34 “Global Congress Combating Counterfeiting and Piracy”, available at <http://www.ccapcongress.net/>, accessed on 05/05/13.
trade secrets, etc that are not provided for in any of the aforementioned legislation.\textsuperscript{40}

There are also various subsidiary legislation made by the relevant ministers in the exercise of the powers conferred on them by the foregoing principal or enabling statutes. These subsidiary legislation in relation to copyright are: Copyright (Reciprocal Extension) Order which extends protection to copyright works emanating from countries that are signatories to the Universal Copyright Convention of 1952; Copyright (Collecting Societies) Regulations that regulates and provides procedure for the formation and functions of the societies; Copyright (Video Rental) Regulations regulating video rental activities; and Copyright (Security Devices) Regulations relating to sound recordings and cinematograph films. On patents and designs, there are Patents and Designs (Convention Countries) Order covering patent application or registration of a design; Patent Rules and Design Rules dealing with administration and procedure to facilitate the operation of the Patent and Designs Act. There is also Trade Marks Regulations regulating application fees, registrations and other matters relating to practice under the Trade Marks Act.\textsuperscript{41}

The laws enumerated above make up the legal regime for the protection of intellectual property rights in Nigeria. There is therefore ample protection for the intellectual property rights of both Nigerians and foreigners in line with international treaties and conventions.\textsuperscript{42}

\textbf{Administration of Intellectual Property Law in Nigeria}

In order to ensure the effective co-ordination and administration of activities relating to intellectual property, various institutions were established to further strengthen the system in Nigeria. Amongst them is the Nigerian Copyright Commission which was first established by the 1988 Act as the primary agency with the responsibility of regulating copyright matters in Nigeria. The Commission also regulates and oversees the establishment and operations of Collective Societies for the various classes of copyright protected works. The Commission is currently set up as a Federal Agency under the supervision of the Federal Ministry of Justice.\textsuperscript{43}

Similarly, the Nigerian Intellectual Property Office also known as the Trademarks, Patents and Designs Registry regulates the administration of industrial property in Nigeria and is set up as a department under the Ministry of Commerce and is responsible for the management of trademarks, patents and designs applications in Nigeria.\textsuperscript{44}

There is also the National Film and Video Censors Board established by Act No. 85 of 1993 as the official regulatory agency for the film and video industry in Nigeria. The Board censors, classifies and rates both films and video works produced in Nigeria, and foreign films and video works imported for the Nigerian market. The Board also licenses and registers all film and video outlets across Nigeria and keeps a register of the registered outlets among other functions.\textsuperscript{45}

Others are the National Office for Technology Acquisition and Promotion (NOTAP) which is created to nurture creative talents, identify researchers and inventors, and create an enabling environment for inventors and creative works, among other things. NOTAP’s core activities include evaluation/registration of technology transfer agreements; promotion

\textsuperscript{40} Ibid, p.7.
\textsuperscript{41} Ibid, p.9.
\textsuperscript{44} Ibid.
\textsuperscript{45} Ibid.
of intellectual property; technology advisory and support services. NOTAP currently seeks to assist local inventors in the process of promoting and exploiting inventions and innovations carried out by government funded research institutes and private sector organizations.\textsuperscript{46}

Government also established the National Agency for Food and Drug Administration and Control (NAFDAC) that is charged with the statutory responsibility of regulating and controlling the manufacture, importation, exportation, distribution, advertisement, sale and use of drugs, food, packaged water, medical devices, chemicals, raw materials, cosmetics, and agrochemicals (called regulated products). Some of its functions are to undertake the registration of regulated products, conduct appropriate tests and ensure compliance with standard specifications, undertake measures to ensure that narcotic drugs and other psychotropic substances are limited to medical and scientific purposes. On importation, the agency scrutinises the procedures and issues a permit to clear only if satisfied, and undertakes appropriate investigations into the production premises and raw materials for regulated products.\textsuperscript{47} The establishment of NAFDAC and its efficiency in the fight against fake and counterfeiting drugs has improved the manufacture of pharmaceuticals and also given impetus to indigenous participation.\textsuperscript{48}

However, in complementing the role of these inter-governmental organisations, some Non-Governmental Organisations (NGOs) also play very crucial roles in the administration of intellectual property in Nigeria. These are: Copyrights Society of Nigeria (COSON) which is a non-profit making organisation of all owners of copyright or neighbouring rights in musical works and sound recordings. It is a strong force in the fight against copyright infringement and other forms of piracy in Nigeria. However, the legal status of other unregistered collecting societies and associations for musical works (such as the Musical Copyright Society of Nigeria) is currently uncertain in the light of recent litigation regarding same.\textsuperscript{49} There is also the Reproduction Rights Society of Nigeria (REPRONIG). It was licensed to operate as a collecting society for reprographic rights in late 2003 with funding support from the Reprographic Rights Organisation of Norway (KOPINOR).\textsuperscript{50}

Others are Intellectual Property Institute, Nigeria (IPIN) (Ltd/Gte) which is a non-profit organization established to promote the use of intellectual property and intellectual capital as tools for social, technological and economic growth. The Institute also seeks to increase awareness and understanding of the use of intellectual property through activities including intellectual property research, public enlightenment, specialized training and workshops, technical assistance, institution building and consultative forums.\textsuperscript{51}

In contemplation of disputes related to intellectual property which are inevitable, dispute resolution institutions are established for administration of justice. These are the Federal High Court and the Trademark/Patent Tribunal. The 1999 Constitution of the Federal Republic of Nigeria\textsuperscript{52} vests exclusive jurisdiction in the Federal High Court to handle

\textsuperscript{46} Ibid.
\textsuperscript{49} M. J. Umaru, (2011), op cit.
\textsuperscript{50} Ibid.
\textsuperscript{51} Ibid.
\textsuperscript{52} Section 257.
disputes relating to copyright, patent, trademarks and passing-off, industrial designs and merchandise marks.\textsuperscript{53}

Also, the Registrar of Trademarks sits as a Tribunal to adjudicate over disputes and applications arising from the operation of the Trademarks Act. The Registrar has the power to hear and decide upon contentious and non-contentious applications including applications arising from trademark opposition proceedings. The Registrar may make, expunge or vary an entry into the trademark register on the application of an interested person. The Tribunal also adjudicates on appeals against the refusal of trademark applications by Trademark Examiners. The Trademarks Act also permits an applicant to apply to the Federal High Court to exercise the powers of the Trademark Tribunal.\textsuperscript{54} In order to foster development and to actualise the Nation’s vision, researches are continuously conducted. In view of this, the paper proceeds to discuss research and development gaps.

**Research and Development (R&D) Gaps**

Nigeria ranks 44\textsuperscript{th} worldwide and 3\textsuperscript{rd} in Africa in factory output; and its agricultural industry is ranked 25\textsuperscript{th} worldwide and 1\textsuperscript{st} in Africa. Despite these rankings that may seem impressive, economic development in Nigeria is still a paradox.\textsuperscript{55} Nigeria’s quest for industrial and economic transformation and its desire to be one of the 20 largest economies by year 2020 would be a tall dream without a strategic and detailed implementation plan to guide economic development programmes.\textsuperscript{56}

In order to nurture its national talents, the Federal Government of Nigeria established the Science and Technology Ministry with its various parastatals and agencies. The National Office for Technology Acquisition and Promotion (NOTAP) is one of the parastatals. NOTAP’s mission, statutory mandates and activities include evaluation/registration of technology transfer agreements; promotion of intellectual property; technology advisory and support services; commercialisation of R&D results; research industry linkage; production of compendium management information system; publication of project profiles on R&D results etc.\textsuperscript{57}

In its effort to promote the development of indigenous technologies, NOTAP also introduced the Technology Storyboard Initiative (STI) for awareness building and an educational tool for the primary and secondary school levels. This technology teaching tool is aimed at sensitising the Nigerian child on STI. The tool gives a step-by-step pictorial representation of the production process of a given product from the raw material stage to the final product. Also, NOTAP in partnership with the Abuja Geographic Information System (AGIS) and other stakeholders had concluded arrangement to transform the Abuja International Airport Road into the largest Science and Technology Park in Africa to be known as Africa’s Premier Innovation Corridor (APIC). The objective of establishing APIC is among others, to enhance synergy between relevant science and technology stakeholders located in the area as well as promote the use of R&D for the economic development of Nigeria.\textsuperscript{58}

\textsuperscript{53} T. Okeyinka, op cit.
\textsuperscript{54} M. J. Umaru, op cit.
\textsuperscript{55} K. M. Waziri, op cit, pp.82-83.
\textsuperscript{56} S. Matanmi, op cit, p.41.
\textsuperscript{57} National Office for Technology Acquisition and Promotion, “Welcome to NOTAP”, available at <http://notap.gov.ng/content/welcome-notap>, accessed on 31/05/13.
NOTAP has also established a research fund known as NOTAP Industry Fund where industry would voluntarily contribute resources to support Nigerians in PhD studies, strategic managerial skills development and help in the provision of key technology acquisition R&D facilities in tertiary institutions. The onerous task is to strive to transform our continent from a committee of technology consumers to that of a technology producing people.\textsuperscript{59}

The International Monetary Fund (IMF) estimated that the number of Africans in Diaspora could constitute the biggest group of foreign investors into Africa. This group of immigrants in Diaspora includes professionals and skilled workers.\textsuperscript{60} A case in point is Philip Emeagwali who won the 1989 Gordon Bell Prize computation’s Nobel Prize for inventing a formula that lets computers perform their fastest computation work that led to the reinvention of supercomputers. He was described by Bill Clinton as ‘one of the greatest minds of the information age’; described by CNN as ‘a father of the Internet’; and is world’s most searched-for scientist on the internet.\textsuperscript{61}

However, Nigeria’s vision 20:2020 agenda initiated and intended to elevate Nigeria to the league of the twenty largest economies in the world by the year 2020 may seem a pipe dream. Indeed, critics have reasoned that the Federal Government evidently lacks the intention, strategy and the capacity to prosecute the proposed agenda.\textsuperscript{62} The year 2015 is 6 years ahead of the target year to execute the development plan and place the country on the path of economic growth, with 1001 things to be attended to; one cannot but imagine how unrealistic the vision would be.

\section*{Observations and Recommendations}

It is observed that intellectual property rights do little to stimulate invention in developing countries because of the absent of necessary human and technical capacity. This paper recommends that adequate and effective intellectual property laws be put in place so as to steer the country on a path to global technological and economic excellence.

It is also observed that the law and policies guiding intellectual property rights in Nigeria are not as detailed as those in the developed countries. The paper therefore recommends that government should stimulate researchers to activity by setting the enabling environment with the aid of machinery of law and government policies. In this context, government should employ a new strategy on intellectual property that will produce the prospects and potentials of the industrial sector which will make the vision 20:2020 of Nigeria a reality.

It is equally observed that even if the enabling environment for innovations were to be provided, the required manpower would not be readily available. In this context, research and development, innovations and industrial relations should be adequately funded; and enabling research environment should also be provided. Along this line, government should address the issue of Nigerians in Diaspora as these will carter for the much needed manpower that will harness the economic potentials and the untapped natural resources in Nigeria.

\section*{CONCLUSIONS}

In order to achieve the public policy objectives in relation to intellectual property, the Nigerian government has established several regulatory and institutional mechanisms to sensitise the country’s investment terrain in order to be

\begin{footnotesize}
\textsuperscript{59} C. Djomga, et al, op cit.
\textsuperscript{61} Ibid, p.95.
\textsuperscript{62} S. Matanmi, op cit, p.41.
\end{footnotesize}
relevant in the globalisation of the world economy. Protective as this mechanisms may seem, it is sad to note that more than 50 years after independence, intellectual property laws in Nigeria is still at its infancy. Whereas various laws exist which are designed to protect copyrights, trademarks and patents owners, and the fact is that these laws are hardly enforced. The result is that every day on our streets, we see patented and copyrighted materials that obviously are been pirated and counterfeited with impunity.

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22. Ibid.


29. (2000) 4 SC (Pt 2) 1 at P. 20, (Per Ogundare, JSC).


31. Section 12.


41. Ibid, p.9.


44. Ibid.

45. Ibid.

46. Ibid.


50. Ibid.

51. Ibid.

52. Section 257.

53. T. Okeyinka, op cit.


55. K. M. Waziri, op cit, pp.82-83.

56. S. Matanmi, op cit, p.41.


58. NOTAP, “Promoting the Development of Indigenous Technology in Nigeria as AU Observes African Day for Technology and IP”, available at <http://www.notap.gov.ng/content/promoting-development-indigenous-


61. Ibid, p.95.

62. S. Matanmi, op cit, p.41.