

PATENT & DESIGNS ACT-NIGERIA

The beginning, Trademarks Act was created 1965 after the English Trademarks Act of 1938. Trademarks laws are currently operating under the English Trademarks Act of 1994 as amended. The current version of patent and designs Act of 1970 is Cap P2 LFN 2004 and Nigerian Copyright Commission Act (Amended) 1999.

Industrial Designs protect the aesthetic aspect (shape, texture, pattern, color) of an object rather than the technical features. Industrial design is the ornamental or aesthetic appearance of an article. The design may consist of three-dimensional features of the article, such as its shape or surface or of two-dimensional features such as patterns, lines or color.

Industrial designs are embodied in a wide variety of products of industry and handicraft, from technical and medical instruments to watches, jewelry and other luxury items from household ware and electrical appliances to vehicles and architectural structures and from textile designs to leisure goods.

INTELLECTUAL PROPERTY

IP covers all patents, copyright, database rights, topography rights, rights in designs, trademarks, rights to prevent passing off, plant breeders rights, knowhow and all other intellectual or industrial property rights, in each case whether registered or unregistered and including applications or rights to apply for them and together with all extensions and renewals of them, in each and every case all rights or forms of protection having equivalent or similar effect anywhere in the world.

IP

INDUSTRIAL PROPERTY

Trademarks, industrial designs, and
Patents registry

COPYRIGHT

Literary and Artistic works such as novels, poems and plays, films, musical works
Artistic works i.e drawings, paintings, photographs and sculpture and architectural design. It also includes performing and recording rights.

Non-traditional IP

The commercial aspects are known as non-traditional IP as stated below;

- Licensing
- Franchising
- IP securitization
- Assignment

COMMERCIALIZATION OF IP PRODUCTS-NIGERIA

IP

formed the nucleus of every developed economy through knowledge and technology for wealth creation. They proffers solution to their peculiarity and challenges such as industrialized nations, e.g United Kingdom, United States of America and the emerging economics like Brazil, Russia, India and China.

NIGERIA AMONG DEVELOPED NATIONS

Nigeria is a factor to the developed nations, a country with so much potential and emerging market to accommodate global market demands from vast human and natural resources yet underutilized to be in the same ranking.

DRIVING IP POLICY

We have different agencies of federal republic of Nigeria and R&D institutions, industries and non-governmental organization that were created to drive the purpose of IP policy and strategies for research and innovation.

The agencies/ministries are:

- Patents Registry (MITI)
- Nigerian Copyright Commission (MCT)
- National Office for Technology Acquisition and Promotion (FMST)

Nigeria has over 140 high institutions, more than 50 R&D centers (both in public and private), industries and over 10 non-governmental organizations in collaboration of IP systems. The big question is that where is the link to industry to market

INTELLECTUAL PROPERTY ACTIVITIES OF NOTAP-MANDATE policy and strategies for research and innovation position to date?

IP

Nigeria

The National Office for Technology Acquisition and Promotion (NOTAP) is a parastatal of the Federal Ministry of Science and Technology (FMST) with the mandate to promote indigenous technologies, support researcher activities including Intellectual Property (IP) promotion and protection. In the discharge of the above mandate, NOTAP established close collaboration with

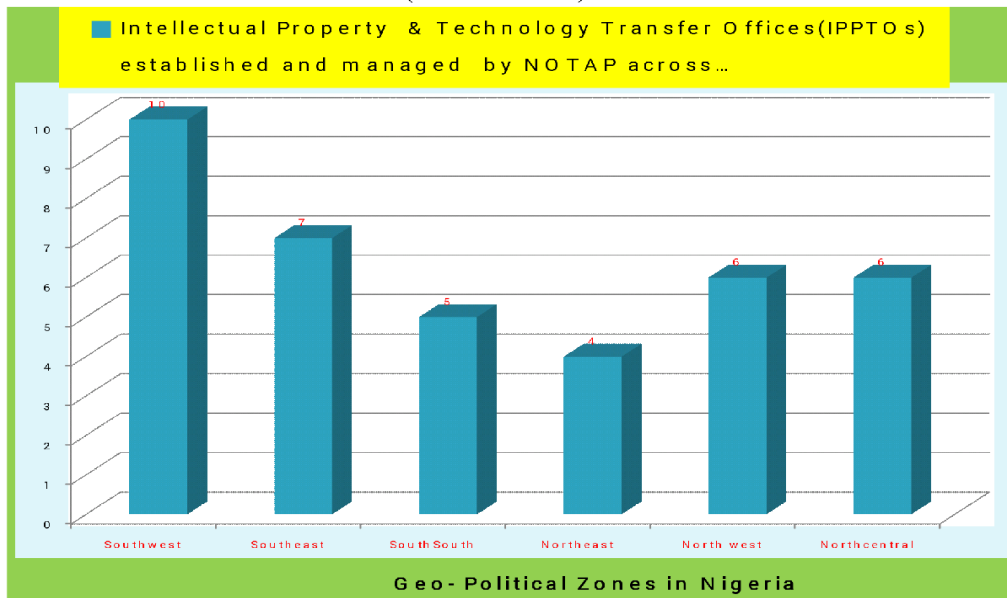
the Patent Registry primarily for granting patents to research inventions forwarded through NOTAP. The Office conducts preliminary searches to determine novelty before passing the applications to the registry with the stipulated fee for registration on behalf of the applicants.

Since 2007 NOTAP with the assistance of WIPO has established 38 Intellectual Property Technology Transfer Offices (IPTTO) in Tertiary and Research Institution across the country. In 1992, Patent Information and Documentation centre (PIDC) was established in NOTAP and it's very functional in NOTAP's activities. Please see the graphs below:-

- (i) 38 IPTTOs established across the six (6) geopolitical zones in Nigeria 2010-2015
- (ii) 255 patent applications submitted to NOTAP from 2010-2014
- (iii) 56 Patents granted by the Federal Ministry of Trade and Investment from 2010 – 2014.

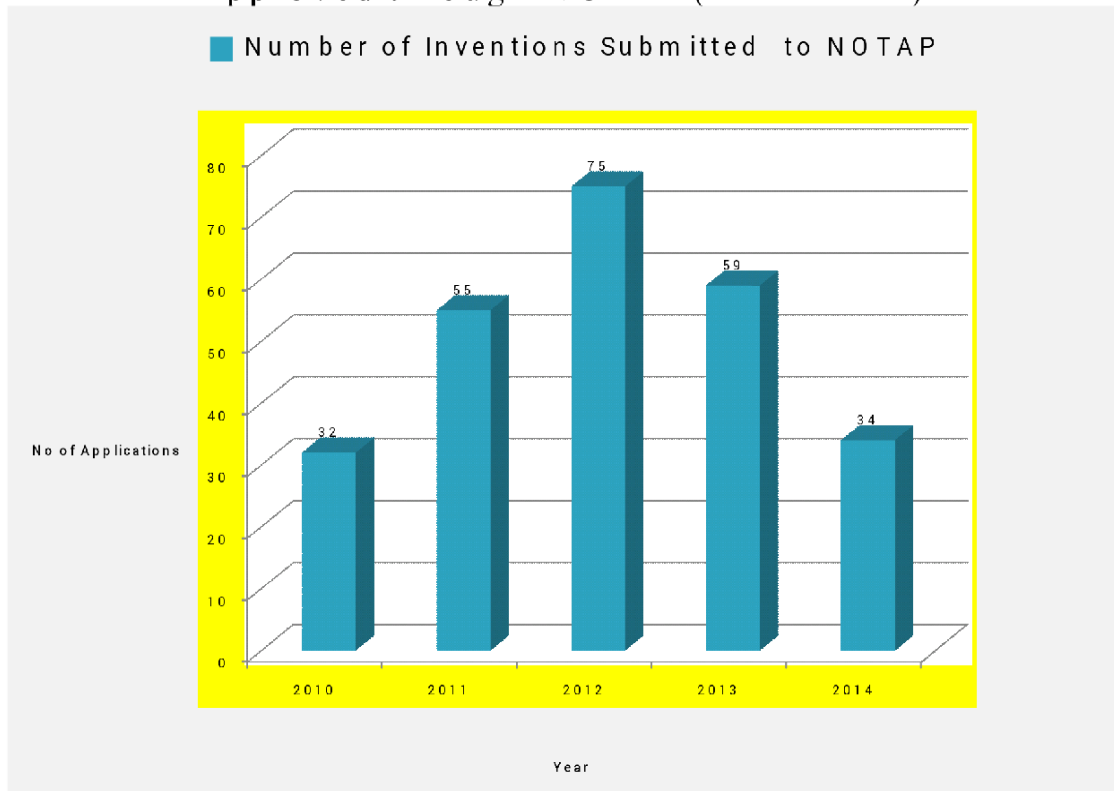


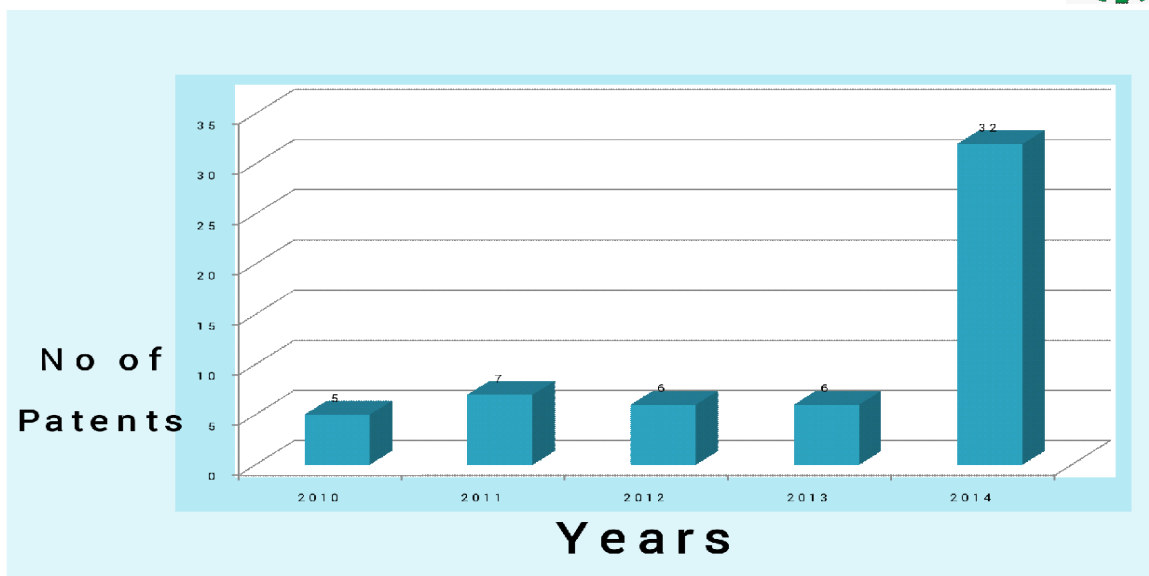
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(2010-2015)





(D) 255 Patent Applications and 56 Granted and Approved through NOTAP(2010-2014)





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BENEFITS OF IP POLICY

We need to emphasize develop necessary and adequate IP policy to grow developing economic that is the fundament to see through all processes involved in knowledge and technology. Some of the benefits are as follows:

1. Provide suitable conditions for parties for technology transfer that will attract Foreign Direct Investment (FDI) to galvanize the country's economic
2. IPP alone will not be successful without adequate funding act to inspire research and development to retain highly qualified persons or experts that will bring ideas into the market place for its economic benefits.
3. IPP should be strategically draft to satisfy non-traditional intellectual property as stimulus to economic growth and development.

Main challenges

- Insufficiency in science, technology and engineering staff;
- Inadequate capacity building in line with the current rules and regulations guiding technology trade in TRIPs, WTO Agreement.

Way forward

Capacity building